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federal register

Thursday
February 12, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

12103 **Petroleum** DOE/OHA issues notice regarding proposed procedures for handling cases pending before OHA affected by the President's action regarding decontrol of crude oil and refined petroleum products

11954 **Securities** SEC adopts interpretation of rules concerning analysis of results of 1980 proxy statement disclosure monitoring program; effective 2-5-81

12011 **Securities** SEC proposes amendments to proxy rules and provisions relating to shareholder communications generally, comments by 5-15-81

12049 **Radioactive Wastes** DOE/Sec'y gives notice of availability of Draft National Site Characterization and Selection Plan, comments by 3-27-81

12033 **Federal Motor Vehicle Safety Standards** DOT/NHTSA proposes rules concerning occupant crash protection, comments by 3-16-81

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Highlights

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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12188 **Hazardous Air Pollutants** EPA proposes alternative test method 107 for vinyl chloride, comments by 4–13–81, hearing on 3–26–81 (Part II of this issue)

11974 **Communications** FCC issues rule concerning the use of radio location tracking devices by Police Radio Service licenses on Public Safety Radio Service frequencies above 30 MHz; effective 1–30–81

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 508, Amdt. 1; Navel Orange Reg. 509]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 13–19, 1981, and increases the quantity of such oranges that may be so shipped during the period February 6–12, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective February 13, 1981, and the amendment is effective for the period February 6–12, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A final impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on February 10, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is improving.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.809 is added as follows:

§ 907.809 Navel Orange Regulation 509.

(a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 13, 1981, through February 19, 1981, are established as follows:

(1) District 1: 1,260,000 cartons;

(2) District 2: 112,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: 28,000 cartons.

(b) As used in this section, "handle," "District 1," "District 2," "District 3," "District 4," and "carton" mean the same as defined in the marketing order.

2. Paragraph (a) in § 907.808 Navel Orange Regulation 508 (46 FR 10900), is hereby amended to read:

§ 907.808 Navel Orange Regulation 508.

(a) * * *

(1) District 1: 1,215,000 cartons;

(2) District 2: 108,000 cartons;

(3) District 3: Unlimited cartons;

(4) District 4: 27,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 11, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-5267 Filed 2-11-81; 11:41 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Parts 211, 456, 712, and 1020

Postponement of Effective Dates for Final Rules

AGENCY: Department of Energy.

ACTION: Notice of postponement of effective dates for final rules.

SUMMARY: The Department of Energy (DOE) hereby gives notice that the effective dates of certain final rules issued by DOE and due to become effective before March 30, 1981, are postponed to March 30, 1981.

FOR FURTHER INFORMATION CONTACT: William Funk or Peter J. Schaumberg (Office of General Counsel), Department of Energy, 1000 Independence Avenue, SW., Room 6A–127, Washington, D.C. 20585, (202) 252–6736 or 252–6754.

SUPPLEMENTARY INFORMATION: On January 29, 1981, President Reagan issued a memorandum to the Department of Energy and other executive departments and agencies directing that the effective dates of all regulations promulgated in final form and scheduled to become effective before March 30, 1981, be postponed until March 30, 1981. DOE hereby gives notice that four final regulations are covered by the terms of the President's memorandum.

The Economic Regulatory Administration (ERA) of DOE issued a final rule (46 FR 3368, January 14, 1981) adopting amendments to the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, to establish procedures in

a new § 211.68 for obtaining crude oil for storage in the Strategic Petroleum Reserve by exchange of Naval Petroleum Reserves crude oil and by other means. This final rule was due to become effective on February 13, 1981, and notice is hereby given that the effective date is postponed to March 30, 1981. On that date the rule will be on standby status unless or until it is revoked by DOE.

An interim final rule was issued by DOE's Office of Conservation and Solar Energy (45 FR 63786, September 25, 1980) adding new §§ 456.810 and 456.909 to 10 CFR to establish interim material and installation standards for urea-formaldehyde foam insulation under the Residential Conservation Service Program. This rule was to become effective on an interim basis on February 24, 1981, and notice is hereby given that the effective date is postponed to March 30, 1981.

The Department's Office of the Assistant Secretary for Environment issued a final rule (46 FR 2971, January 13, 1981) to remove certain non-substantive inaccuracies in 10 CFR Part 712, which deals with the Department's activities to clean up radiation-emitting mill tailings in Colorado. The "Secretary of the Department of Energy" was substituted for the "Administrator of Energy Research and Development" and the addressees for certain communications were changed. Part 712 also was redesignated as Part 1020. This rule was due to become effective March 16, 1981, and notice is hereby given that the effective date is postponed to March 30, 1981.

ERA issued a final rule (46 FR 5722, January 19, 1981) modifying the entitlement benefit accorded naphtha imported into Puerto Rico and used as a petrochemical feedstock under the Entitlements Program regulations, 10 CFR 211.67. The effective date of this rule was to be March 1, 1981, but it was to be applicable to refiners' crude oil runs-to-stills for the month of January 1981. In view of the fact that January 1981 has passed and that refiners must report data to DOE for that month by March 5, 1981, DOE is seeking an exception from the Office of Management and Budget to the President's directive that the effective date of the rule be postponed to March 30, 1981. In the event that the March 1, 1981, effective date is postponed, DOE will publish a notice to that effect in the **Federal Register** by March 1, 1981.

Issued in Washington, D.C., February 6, 1981.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81-5039 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-EA-53, Amdt. 39-4039]

Fairchild Industrial Products; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an airworthiness directive applicable to Fairchild Cockpit Voice Recorders A-100 Series, which do not meet Technical Standard Order C-84 requirements. The rule requires an inspection to determine whether the thermal insulation assembly is installed. The manufacturer has alerted FAA to the fact that the assembly may not have been installed at the time of manufacture. Lack of the insulation could result in destruction of the tape in a fire.

EFFECTIVE DATE: April 1, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Field Service Bulletins may be acquired from the manufacturer at 75 Mall Drive, Commack, New York 11725.

FOR FURTHER INFORMATION CONTACT: M. Mavrikos, Systems & Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J.K.F. International Airport, Jamaica, New York 11430; Tel. 212-995-3372.

SUPPLEMENTARY INFORMATION: On November 11, 1980, the FAA published a Notice of Proposed Rule Making on page 73689 of the **Federal Register**, 45 FR 73689. Interested parties were given until December 22, 1980, to submit comments.

The Airline Transport Association by letter dated December 15, 1980, and the manufacturer by letter dated December 22, 1980, have recommended that the cockpit voice recorder be weighed to determine the installation of the thermal insulation assembly. It appears that some air carriers have already accomplished an inspection by weighing the units as distinct from disassembly and a visual inspection, the latter being required by the rule. However, it is determined that the weighing procedure is not as accurate as the visual inspection.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adopting the amendment as published.

Effective Date: This amendment is effective April 1, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423, 1431(b)); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Jamaica, New York, on January 29, 1981.

Murry E. Smith,

Director, Eastern Region.

Applies to Fairchild Industries Products: Cockpit Voice Recorder Model A100 series, having serial numbers 4733 through 5260 inclusive.

To prevent the possibility of destruction of the recording tape in an aircraft accident involving fire, due to the omission of the thermal insulation assembly, P/N 9300-A18, accomplish the following:

(a) Within 180 days after the effective date of this AD, unless previously accomplished, inspect the cockpit voice recorders in accordance with the accomplishment instructions of Fairchild Industrial Products Alert Field Service Bulletin No. CVR A140, dated December 10, 1979, paragraph 2B Installation of Thermal Insulation 1 through 3. Missing insulation assemblies shall be installed in accordance with the above installation instructions, or approved equivalent instructions.

(b) Equivalent installation instructions must be approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Compliance times may be increased by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA inspector.

[FR Doc. 81-4953 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 80-NE-10, Amdt. No. 39-4005]

Airworthiness Directives; General Electric Co. CJ610-8A and -9 Turbojet and CF700-2D and -2D-2 Turbofan Engines; Postponement of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of postponement of Amendment 39-4005.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment, consistent with the President's directives, postpones the effective date of Amendment 39-4005 from February 2, 1981, to April 1, 1981.

EFFECTIVE DATE: February 3, 1981. Amendment 39-4005 effective date is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: John E. Tigue, Engine Standards Section (ANE-215), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7337.

SUPPLEMENTARY INFORMATION: Amendment 39-4005 was published in the **Federal Register** on January 5, 1981 (46 FR 863) Amendment 39-4005 had an effective date of February 2, 1981. On January 29, 1981, the President issued a memorandum which directs that all agencies, by notice in the **Federal Register**, postpone for 60 days from January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60-day period. Amendment 39-4005 falls within the scope of the President's memorandum.

Consistent with this view, I am, by this notice, postponing the effective day of Amendment 39-4005.

Since the amendment is editorial in nature and implements changes required to carry out the intent of the President's memorandum and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this change effective immediately.

The Amendment

Accordingly, Part 39 of the Federal Aviation Regulations is amended as follows:

PART 39—AIRWORTHINESS DIRECTIVES

By amending the effective date, February 2, 1981, of Amendent 39-4005 to read April 1, 1981.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421, 1423, and 1424; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment that is editorial in nature and does not modify the substance of the regulation contemplated under the final rule, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 3, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-4891 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NE-15; Amdt. No. 39-4004]

Airworthiness Directives; General Electric Co. CT58 Engines; Postponement of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of postponement of Amendment 39-4004.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment, consistent with the President's directives, postpones the effective date of Amendment 39-4004 from February 2, 1981, to April 1, 1981.

EFFECTIVE DATE: February 3, 1981. Amendment 39-4004 effective date is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ralph S. Hawkins, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7337.

SUPPLEMENTARY INFORMATION: Amendment 39-4004 was published in the **Federal Register** on January 5, 1981 (46 FR 865). Amendment 39-4004 had an effective date of February 2, 1981. On January 29, 1981, the President issued a memorandum which directs that all agencies, by notice in the **Federal Register**, postpone for 60 days from January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60-day period. Amendment 39-4004 falls within the scope of the President's memorandum.

Consistent with this view, I am, by this notice, postponing the effective day of Amendment 39-4004.

Since this amendment is editorial in nature and implements changes required to carry out the intent of the President's memorandum and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this change effective immediately.

The Amendment

Accordingly, Part 39 of the Federal Aviation Regulations is amended as follows:

PART 39—AIRWORTHINESS DIRECTIVES

By amending the effective date, February 2, 1981, of Amendment 39-4004 to read April 1, 1981.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421, 1423, and 1424; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment that is editorial in nature and does not modify the substance of the regulation contemplated under the final rule, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 3, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-4895 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 76-NE-25, Amdt. No. 39-4031]

Airworthiness Directives; General Electric Co. CT58 Turboshaft Engines; Postponement of Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of postponement of Amendment 39-4031.

SUMMARY: On January 29, 1981, the President issued a memorandum to certain agency heads directing that they issue a notice in the **Federal Register** postponing for 60 days after January 29, 1981, the effective date of regulations that have already been issued but were scheduled to become effective in the next 60 days. This amendment, consistent with the President's directives, postpones the effective date of Amendment 39-4031 from February 9, 1981, to April 1, 1981.

EFFECTIVE DATE: February 3, 1981. Amendment 39-4031 effective date is April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ralph S. Hawkins, Engine Projects Section (ANE-214E), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7337.

SUPPLEMENTARY INFORMATION: Amendment 39-4031 was published in the **Federal Register** on February 2, 1981 (46 FR 10140). Amendment 39-4031 has an effective date of February 9, 1981. On January 29, 1981, the President issued a memorandum which directs that all agencies, by notice in the **Federal Register**, postpone for 60 days from January 29, 1981, the effective date of all regulations that have been promulgated in final form and that are scheduled to become effective during that 60-day period. Amendment 39-4031 falls within the scope of the President's memorandum.

Consistent with this view, I am, by this notice, postponing the effective day of Amendment 39-4031.

Since this amendment is editorial in nature and implements changes required to carry out the intent of the President's memorandum and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this change effective immediately.

The Amendment

Accordingly, Amendment 39-4031 of the Federal Aviation Regulations is amended as follows:

PART 39—AIRWORTHINESS DIRECTIVES

By amending the effective date, February 9, 1981, of Amendment 39-4031 to read April 1, 1981.

(Secs. 313(a), 601, 603, and 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), 1421, 1423, and 1424; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment that is editorial in nature and does not modify the substance of the regulation contemplated under the final rule, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 3, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-4696 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 21347, Amdt. 39-4045]

Kawasaki Heavy Industries, Ltd., Models KV107-II/-IIA Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal of the forward spring of the cyclic stick boot, P/N 107S2226-9, installed on Kawasaki Models, KV107-II and KV107-IIA helicopters. This AD is necessary because the spring was restricting cyclic stick travel which could result in an unsafe flight condition.

DATES: Effective February 26, 1981. Compliance schedule—as prescribed in the body of the AD.

FOR FURTHER INFORMATION CONTACT: Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Federal Aviation Administration, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850, Telephone: (808) 546-8650 or 546-8658, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: (202) 426-8192.

SUPPLEMENTARY INFORMATION: There has been a report of the cyclic stick boot binding the stick during the operation of the Boeing Vertol Model 107-II helicopter. It was concluded that the forward support spring of the boot was binding on the stick's retaining bolt. An investigation concluded that the forward spring was not essential, and the boot could be supported by the aft spring. On May 27, 1980, Amendment 39-3778 (45 FR 103) AD 80-11-08, was issued to require removal of the forward spring of the cyclic stick boot installed on Boeing-Vertol Model 107-II helicopters. In view of the similarity of the type design of the Kawasaki models and the Boeing-Vertol model, it is likely that the same unsafe condition exists on the Kawasaki helicopters. Since this condition is likely to exist or develop on other helicopters of the same type design, and airworthiness directive is being issued which requires the removal of the forward spring of the cyclic stick boot on certain Kawasaki Heavy Industries, Ltd. Models KV107-II/-IIA series helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Kawasaki Heavy Industries, Ltd. Applies to Models KV107-II and KV107-IIA helicopters, certificated in all categories, with pilot or copilot cyclic stick boots, P/N 107S2226-9, installed.

Compliance required as indicated, unless already accomplished.

To prevent possible restriction of cyclic stick travel, which could result in an unsafe flight condition, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, loosen the velcro tape and camloc fasteners securing the pilot and copilot cyclic stick boots, P/N 107S2226-9, and remove the boots.

(b) Remove the two rivets which attach the forward spring, P/N 107S2226-12, to the forward end of the boot base and discard the forward spring.

(c) Install washers and new rivets to plug the resulting two empty holes in the boot base.

(d) Reinstall the pilot and copilot stick boots.

(e) In accordance with FAR §§ 21.197 and 21.199, the helicopter may be flown to a base where the modification can be accomplished.

This amendment becomes effective February 28, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C. on February 4, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-4967 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-EA-57, Amdt. 39-4040]

Piper PA-23; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Piper PA-23 type airplanes. The AD requires a repetitive visual inspection and repair, if necessary, of the flap-hinge attachment areas and flap control system for cracks. The inspection will expose the existence of cracks in both areas which, if not discovered, could lead to functional interference or a split flap condition.

EFFECTIVE DATE: February 12, 1981. Compliance is required as set forth in the AD.

ADDRESS: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: C. Kallis, Airframe Section, AEA-12, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of cracks developing at the flap spar hinge attach areas and at the flap control system attachments. Failure in these areas can result in control interference and split flap operation. The repetitive inspection of the bellcrank of the control system will be eliminated by the installation of a new design bellcrank. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adding the following new Airworthiness Directive:

Applies to the following Piper PA-23 Series airplanes certificated in all categories:

PA-23	S/N 23-1 thru 23-2046
PA-23-235	S/N 27-505 thru 27-622
PA-23-250	S/N 27-1 thru 27-504
PA-23-250 (6 place)	S/N 27-2000 thru 27-8054059

(a) To prevent malfunctioning of the flaps comply with the following:

(1) For all referenced airplanes except PA-23-250s (6 place) above S/N 27-7405300, inspect the flap-spar hinge attachment areas for cracks and repair if necessary in accordance with the instructions paragraph of Piper Service Letter No. 853 dated June 8, 1979, or equivalent as follows:

(i) Airplanes with more than 2000 hours in service but not exceeding 3000 hours; inspect and repair if necessary within the next 100 hours in service and thereafter at intervals not to exceed 100 hours in service since the last inspection.

(ii) Airplanes with more than 3000 hours in service; inspect and repair if necessary, within the next 50 hours in service, unless already inspected within the last 50 hours in service, and thereafter at intervals not to exceed 100 hours in service since the last inspection.

(2) When the flaps are replaced by the appropriate flaps in accordance with the part numbers in the *Materials Required* section in Piper Service Letter No. 853 dated June 8, 1979, or equivalent, further compliance with (a) is not required.

(b) To prevent malfunctioning of the flap control system, comply with the following:

(1) For all referenced airplanes inspect the flap control system for cracks and repair if necessary in accordance with the instructions paragraph of Piper Service Bulletin No. 671 dated October 20, 1980, or equivalent as follows:

(i) Airplanes with more than 1000 hours in service but not exceeding 2000 hours; inspect and repair if necessary, within the next 100 hours in service, unless already accomplished.

(ii) Airplanes with more than 2000 hours in service; inspect and repair if necessary, within the next 50 hours in service unless already accomplished.

(2) After the bellcrank, Piper Number 16423-00, is reassembled in accordance with 4e in Service Bulletin 671, conduct a visual inspection of the bellcrank for cracks at intervals not to exceed 100 hours in service after the initial inspection of step 4. If cracks are found replace with new bellcrank Piper P/N 16423-06, or equivalent, before further flight. Upon installation of bellcrank Piper P/N 16423-06, or equivalent, the repetitive inspections are no longer required.

Equivalent inspections, parts and alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Upon submittal of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the compliance times specified in this AD.

Effective Date: This amendment is effective February 12, 1981.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423, 1431(b)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Jamaica, New York, on January 29, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-4952 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-EA-75; Amdt. 39-4041]

Piper PA-31T and PA-31T1, Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to Piper PA-31T and PA-31T1 type airplanes. The AD requires an alteration of the voltage regulator P/N 584152 so as to include resistors of a higher rating. The lower rated resistors may not carry an appropriate load and fail. Failure of both regulators can result in complete electrical failure.

EFFECTIVE DATE: February 12, 1981. Compliance is required as set forth in the AD.

ADDRESSES: Piper Telegraphic Letter of November 26, 1980, may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: W. White, Systems and Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-3372.

SUPPLEMENTARY INFORMATION: The manufacturer determined after a factory inspection that 22 aircraft had been released to service with improperly rated resistors in the voltage regulator. These resistors could cause a failure of the regulator itself. As a result a telegraphic distribution was made of this AD to all 22 owners of the affected airplanes under date of November 26, 1980. It should be noted that, inadvertently, the serial numbers of the PA-31T and PA-31T1 were transposed. That is now corrected in this formal rule. Since a situation still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adding the following new Airworthiness Directive:

Applies to Piper PA-31T S/N 8120001 thru 8120010 and Piper PA-31T1 airplanes S/N 8104001 thru 8104012.

Compliance required as indicated:

To prevent failure of the voltage regulator which can result in complete electrical failure, prior to further flight either at night or into instrument weather conditions, alter the voltage regulator, Piper P/N 584152 in accordance with Piper telegraphic letter #31-26, dated November 26, 1980, or an approved equivalent.

Equivalent alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, Jamaica, New York.

Effective Date: This amendment is effective February 12, 1981, and was effective upon receipt for all recipients of the telegram of November 26, 1980, covering this same subject.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044 as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

Issued in Jamaica, New York, on January 29, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-4897 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AAL-22]

Establishment of Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Federal Airway, V-388, between Anchorage, Alaska, and Kenai, Alaska, and G-6, between St. Marys, Alaska, and Sparrevohn, Alaska, via Aniak, Alaska. The need for these airways is prompted by significant increase of air traffic between Anchorage and Kenai and between Sparrevohn, Aniak, and St. Marys Airports. Establishment of these routes results in improved procedures for air traffic control (ATC) by allowing more efficient use of controlled airspace, thereby reducing delays to users.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On November 24, 1980, the FAA proposed to amend § 71.103 and § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Federal Airways V-388, between Anchorage, Alaska, and Kenai, Alaska, and G-6 between St. Marys, Alaska, and Sparrevohn, Alaska, via Aniak, Alaska (45 FR 77451). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objections. This amendment is the same as that proposed in the notice. Sections 71.103 and 71.125 of Part 71 were republished in the **Federal Register** on January 2, 1981 (46 FR 407 and 46 FR 443).

The Rule

This amendment to §§ 71.103 and 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes V-388 and G-6 airways in Alaska. Establishment of the V-388 airway provides more efficient ATC services between Anchorage and Kenai. The need for V-388 is prompted by the significant increases of air traffic between Anchorage and the Kenai Airports, especially during the annual fish harvest. The establishment of this airway allows specific procedures to be established and the initiation of flow patterns for single direction traffic, thus eliminating head-on traffic situations. It also allows these procedures to be used even in a nonradar environment should the Center encounter periods of radar outages and reduces delays to users.

The need for Green 6 is dictated by significant increases in air traffic between Sparrevohn, Alaska, and St. Marys Airports, and the need for air traffic control between the transition areas for the affected airports. The establishment of the airway cancels the nonpart 95 route already established and at the same time allows controllers to more accurately determine the protected airspace for each aircraft and to provide for a more efficient use of airspace, thereby reducing delays to users.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.103 and § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 407, 443) are amended, effective 0901, GMT, April 16, 1981, by establishing G-6 and V-388 as follows:

1. Under § 71.103, add:

"G-6 From St. Marys, Alaska, NDB via Aniak, Alaska, NDB to Sparrevohn NDB."

2. Under § 71.125, add:

"V-388 From Anchorage, Alaska, to INT Anchorage 198° and Kenai, Alaska, 062° Kenai, Alaska."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally

current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4907 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ARM-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of V-169

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters V-169 airway between Bismarck, N. Dak., and Devils Lake, N. Dak., by deleting reference to the airway exclusion in the Devils Lake East Military Operations Area (MOA). This action is necessary due to an alteration of this MOA which is effective on February 19, 1981. As a result of the change, the exclusion of V-169 in the airway description is no longer required.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to delete the reference to the airway exclusion of V-169 in the Devils Lake East MOA. On February 19, 1981, this MOA will no longer overlie the airway and the airspace exclusion will no longer be required. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 409).

Under the circumstances presented the FAA concludes that there is an immediate benefit to the public in this minor modification to the airspace designation in this area. In order to affect this action to coincide with the MOA alteration, this amendment is to be effective February 19, 1981. Accordingly, I find good cause that notice and public procedure thereon are impractical and unnecessary, and implementation in less than 30 days is justified.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) is amended, effective 0901 GMT, February 19, 1981, by deleting the last sentence in the description of V-169 which reads as follows:

"The airspace from 3,500 feet MSL to 10,000 feet MSL between points 18 miles SW and 29 miles SW of Devils Lake is excluded during the time that the Devils Lake East Military Operations Area is activated by NOTAM."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4909 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWA-2]

Relocation of Compulsory Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment redescribes the location of the Kanna compulsory reporting point that was inadvertently omitted when Jet Route J-177 was realigned westward between Palacios, Tex., and Tampico, Mexico. This action changes the Kanna compulsory reporting point to coincide with the new alignment of J-177 at the U.S./Mexico border.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Section 71.207 of Part 71 is to relocate high altitude compulsory reporting point "Kanna" located on J-177 between Palacios, Tex., and Tampico, Mexico, at the border. J-177 has been realigned westward and the Kanna compulsory reporting point was inadvertently omitted from the amendment. This action corrects that mistake. Since this amendment is a minor matter upon which the public would have no particular desire to comment, I find notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 754) is amended, effective 0901 G.m.t., February 19, 1981, as follows:

Under § 71.207—"KANNA, Lat. 26°00'00"N., Long. 96°36'04"W. (INT Hobby, Tex., 198° radial, Houston Oceanic CTA/FIR boundary)" is deleted and "KANNA, Lat. 26°00'00"N., Long. 97°00'00"W." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Attachment

It has been determined that because this action involves flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued in Washington, D.C., on February 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4951 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-41]

Alteration of Transition Area; Lake Charles, Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Lake Charles, La. The intended effect of the action is to provide additional controlled airspace for helicopters executing a new special instrument procedure to the Air Logistics Heliport, Lake Charles, La. The circumstance which created the need for the action is that a new special instrument approach procedure has been developed for the Air Logistics Heliport using the Lake Charles VORTAC.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On October 2, 1980, a notice of proposed rulemaking was published in the **Federal Register** (45 FR 65249) stating that the Federal Aviation Administration proposed to alter the Lake Charles, La., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Lake Charles, La., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of helicopters executing a special instrument approach procedure to Air Logistics Heliport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., April 16, 1981, as follows.

In Subpart G, § 71.181 (45 FR 445), the following transition area is altered:

Lake Charles, Louisiana

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake Charles Municipal Airport (Latitude 30°07'32"N., Longitude 93°13'22"W.) and within 1.5 miles each side of the 335° radial of the Lake Charles VORTAC (Latitude 30°08'29"N., Longitude 93°06'20"W.) extending from the 8.5-mile radius area to 8.5 miles northwest of the Lake Charles VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on January 27, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-4954 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-47]

Alteration of Transition Area; Clinton, Oklahoma (Clinton-Sherman Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Clinton, Oklahoma (Clinton-Sherman Airport). The intended effect of the action is to reduce the controlled airspace for aircraft executing instrument approach procedures to the Clinton-Sherman Airport. The circumstances which created the need for this action is that a review of controlled airspace revealed that airspace designated is in excess of that needed for the protection of aircraft.

EFFECTIVE DATE: April 16, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On October 27, 1980, a notice of proposed rule making was published in the **Federal Register** (45 FR 70881) stating that the Federal Aviation Administration proposed to alter the Clinton, Oklahoma (Clinton-Sherman Airport) transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Clinton, Oklahoma (Clinton-Sherman Airport), transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Clinton-Sherman Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 G.m.t., April 16, 1981, as follows.

In Subpart G, § 71.181 (45 FR 445), the following transition area is altered:

Clinton, Oklahoma (Clinton-Sherman)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Clinton-Sherman Airport (latitude 35°20'25" N., longitude 99°12'00" W.), excluding the portion within the Elk City, Oklahoma, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on January 27, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-4901 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-AWA-25]

Alteration of VOR Federal Airway and Compulsory Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of VOR Federal Airway V-12, in part, in the vicinity of Columbia, Mo. Recently, Columbia VOR was renamed TIGER, because the Columbia, Mo., Regional Airport has a similar designation which has caused Air Traffic Control problems. This action will resolve confusion due to the similarity of their names.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to § 71.123 and § 71.203 of Part 71 is to change the description of V-12, in part, by substituting the name TIGER where Columbia appears. Also, the Columbia Compulsory Reporting Point will be changed to TIGER. This action will eliminate the confusion caused by the similar name designation of the Columbia Regional Airport which is in the same area. Since this amendment is a minor matter upon which the public would have no particular desire to comment, and since this is merely an editorial change, I find that notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective in less than 30 days. Section 71.123 and § 71.203 of Part 71 were republished in the **Federal Register** on January 2, 1981 (46 FR 409 and 747).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 and § 71.203 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409 and 747) are amended, effective 0901 GMT, February 19, 1981, as follows:

Under § 71.123—In V-12 "Columbia, Mo.; Foristell, Mo., including an S alternate from INT Jefferson City, Mo., 308° and Columbia 276° radials via Jefferson City to the INT of Jefferson City 042° and Columbia 104° radials;" is deleted and "TIGER, Mo.; Foristell, Mo., including an S alternate from INT Jefferson City, Mo., 308° and TIGER 276° radials via Jefferson City to INT Jefferson City 042° and TIGER 104° radials;" is substituted therefor.

Under § 71.203—"Columbia, Mo." is deleted and "TIGER, Mo." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined that because this action involved flight requirements already committed to charting for pilot use and cannot reasonably be suspended to maintain the status quo without adversely affecting flight safety, this regulation is an emergency regulation under the President's memorandum of January 29, 1981.

Issued at Washington, D.C., on February 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4906 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-46]

Designation of VOR Federal Airway; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: On December 11, 1980, a rule was published in the **Federal Register** (45 FR 81548) that designated new VOR Federal Airway V-385 from Abilene, Tex., to Lubbock, Tex., via a dog-leg. V-385 was to bypass Military Operations Areas; however, a subsequent study indicated the Abilene radial would impede military traffic. This action alters the Abilene radial.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: FR Doc. 80-38237 was published on December 11, 1980, which designated new VOR Federal Airway V-385 from Abilene, Tex., to Lubbock, Tex., that bypasses the Reese 4 and 5, and Roby Military Operations Areas (MOAs) when they are activated. However, the Abilene 333° radial does not adequately clear those MOAs and this action corrects that mistake.

Adoption of the Amendment

Accordingly, FR Doc. 80-38273 (45 FR 81548) as published in the **Federal Register** on December 11, 1980, is corrected as follows:

Under § 71.123

In V-385, beginning on the second line, "and Abilene, Tex., 333° radials;" is deleted and "and Abilene, Tex., 328° radials;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on February 5, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4956 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 80-AWE-10]

Alteration of Jet Route; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the description of Jet Route No. 6 published in the **Federal Register** on December 18, 1980, (45 FR 83205). The "true degree" radial describing the intersection on J-6 between Big Sur, Calif., and Palmdale, Calif., is not correct. This action corrects that error.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: FR Doc. 80-39231 was published on December 18, 1980, which altered the descriptions of J-6, J-126, and J-501 that improves traffic flow and permits greater flexibility for maneuvering traffic in the Los Angeles, Calif., and San Francisco, Calif., areas. A mistake was discovered in the "true degree" radials that describe the intersection between Big Sur and Palmdale and this action corrects that mistake.

FR Doc. 80-39231 as published in the **Federal Register** on December 18, 1980, is corrected as follows:

Under § 75.100

In Jet Route No. 6, beginning on line 5: "From Big Sur, Calif., via INT Big Sur 137° and Palmdale, Calif., 290° radials; Palmdale;" is deleted and "From Big Sur, Calif., via INT Big Sur 137° and Palmdale, Calif., 291° radials; Palmdale;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on February 5, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4958 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 80-ASW-30]

Establishment of Jet Route; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: An error was made in a rule published in the **Federal Register** on December 29, 1980, (45 FR 85443). New Jet Route J-141 was established from El Paso, Tex., to Delicias, Mexico. A mistake was noted in the "true degree" radial that described the jet route radial. This action corrects that mistake.

EFFECTIVE DATE: February 19, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: FR Doc. 80-40393 was published on December 29, 1980, which established new Jet Route J-141 between El Paso, Tex., and Delicias, Mexico, that improves traffic between the United States and Mexico. A mistake was discovered in the "true degree" radial that describes the jet route alignment and this action corrects that mistake. Since this amendment is a minor matter, I find notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, FR Doc. 80-40393 (45 FR 85443) as published in the **Federal Register** on December 29, 1980, is corrected as follows:

Under § 75.100

In Jet Route No. J-141, beginning on line two, "INT El Paso 137° and Hudspeth, Tex., 187° radials;" is deleted "INT El Paso 137° and Hudspeth, Tex., 181° radials;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on February 5, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-4959 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229 and 239

[Release Nos. 33-6287; 34-17522]

Technical Amendment Regarding Exhibit Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of a technical amendment to Item 7 ("Exhibits") of Regulation S-K, the standard instructions for filing forms under the Securities Act of 1933 and the Securities Exchange Act of 1934, and to Form S-18, the optional form for registration of securities to be sold to the public by an issuer for an aggregate cash price not to exceed $5,000,000. The technical amendment revises part of the definition of "material contracts" contained in Item 7 and in the "Instructions as to Exhibits" of Form S-18 in order to limit the management contracts and remunerative plans, contracts and arrangements required to be filed thereunder in a manner more consistent with the intent of the Commission in promulgating the recent changes in the exhibit requirements and in order to clarify the language of the definition.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION: Prior to the effective date of the amendment, contact William H. Carter, Office of Disclosure Policy (202-272-2604). Thereafter, contact William E. Toomey, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange

Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–272–2573).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced a technical amendment to Item 7 ("Exhibits") of Regulation S–K (17 CFR 229.20) and to the "Instructions as to Exhibits" of Form S–18 (17 CFR 239.28), which are virtually identical to Item 7. The amendment revises part (b)(10)(c) of the Item, the definition of "material contract" involving remunerative plans, contracts or arrangements.

I. Background

In both the release which adopted Item 7 ("Exhibits") of Regulation S–K [1] and the release which originally proposed to Item for comment [2] the Commission expressed its purpose as that of making the exhibit requirements more relevant to investors, reducing the burdens such requirements impose on registrants, and concomitantly lessening the volume of paper filed with the Commission. The proposing release, moreover, specifically stated that paragraph (c) of the definition of material contract was "* * * revised to reduce the number of remunerative plans or arrangements which must be filed."

As originally adopted, paragraph (c) of the definition deemed any management contract or any remunerative plan, contract or arrangement (with certain exceptions) to be a material contract which must be filed. Subpart (4) of paragraph (c) excepted from the definition any remunerative plan, contract or arrangement in which directors or executive officers of a registrant do not participate. The purpose of this exclusion was to eliminate those types of plans which were generally believed not to be material to investors and not to be necessary for staff review purposes. Experience subsequent to the adoption of Item 7, however, has shown that paragraph (c) has resulted in registrants filing a large volume of varied remunerative contracts involving directors and executive officers, contracts which are not material and which would not have been filed under the previously existing "material in amount or significance" standard. Accordingly, it is clear that this new provision not only has not accomplished its intended purpose of "reducing the number of remunerative plans or arrangements which must be filed" but has had the opposite effect.

The Commission, therefore, is adopting a technical amendment to paragraph (c) limiting the definition of "material contracts" as applied to remunerative plans, contracts or arrangements in a manner more consistent with its original intention in proposing and adopting the changes in the exhibit requirements. The Commission is also taking the opportunity to clarify the language of the definition.

II. Synopsis of Amendment

The amendment to paragraph (c) of the definition of material contracts under Item 7 (which is also reflected in Form S–18, "Instructions as to Exhibits," paragraph (9)) narrows the class of persons as to which any remunerative plan, contract or arrangement is conclusively deemed to be material and therefore must be filed. As adopted in August 1980, any such plan, contract or arrangement in which any of the directors or *executive officers* of the registrant participate is conclusively deemed to be a material contract. As now amended, only such plans, contracts or arrangements in which any of the directors or *five most highly compensated executive officers* of the registrant participate is deemed to be a material contract. Plans, contracts or arrangements participated in by the *other* executive officers of a registrant are to be included, or not, on the basis of the historical "material in amount or significance" standard. Since the filing obligation has been amended to be limited to those contracts in which at least one director or executive officer is a participant, the exclusion from the requirement adopted in August 1980 for remuneration contracts in which no executive officer or director is a participant is no longer necessary. Therefore, this exclusion has been eliminated. The substance of the other provisions of the definition is not changed. The language has been modified to reduce any possible confusion.

It should be noted that the Commission will not require amendments to any exhibits which were filed pursuant to the original exhibit requirements [3] but which would not be required to be filed under this amendment.

III. Text of Amendments

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S-K

1. Section 229.20 is amended by revising paragraph (b)(10)(c) of Item 7 to read as follows:

§ 229.20 Information required in document.

* * * * *

Item 7. Exhibits.

* * * * *

(b) * * *

(10) *Material contracts*— * * *

(c)(1) Any management contract or any remunerative plan, contract or arrangement, including but not limited to plans relating to options, warrants or rights, pension, retirement or deferred compensation or bonus, incentive or profit sharing (or if not set forth in any formal document, a written description thereof) in which any director or any of the five moist highly compensated executive officers of the registrant participates shall be deemed material and shall be filed; and any other such plan, contract, or arrangement in which any other executive officer of the registrant participates shall be filed unless immaterial in amount or significance. See Item 4 of Regulation S–K (17 CFR 229.20) for the definition of the term "executive officer" and for information on determining the "five most highly compensated executive officers."

(2) Notwithstanding paragraph (c)(1) above, the following management contracts or remunerative plans, contracts or arrangements need not be filed:

(i) Ordinary purchase and sales agency agreements.

(ii) Agreements with managers of stores in a chain organization or similar organization.

(iii) Contracts providing for labor or salesmen's bonuses or payments to a class of security holders, as such.

(iv) Any remunerative plan, contract or arrangement which pursuant to its terms is available to employees generally and which in operation provides for the same method of allocation of benefits between management and nonmanagement participants.

Instruction: In order to comply with paragraph (c) above, registrants need only file copies of the various remunerative plans and need not file each individual director's or executive officer's personal agreement under the plans unless there are particular provisions in such personal agreements

[1] Securities Act of 1933 Release No. 6230 (August 27, 1980) [45 FR 58822].

[2] Securities Act of 1933 Release No. 6149 (November 16, 1979) [44 FR 67143].

[3] As adopted in Securities Act Release No. 6230, *supra* n. 1.

whose disclosure in an exhibit is necessary to an investor's understanding of that individual's remuneration under the plan.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

2. Section 239.28 is amended by revising paragraph (9)(c) of the Instructions as to Exhibits of Form S–18 to read as follows:

§ 239.28 Form S–18, optional form for the registration of securities to be sold to the public by the issuer for an aggregate cash price not to exceed $5,000,000.

* * * * *

Instructions as to Exhibits

* * * * *

(9) *Material contracts—*

(a) * * *

(b) * * *

(c)(1) Any management contract or any remunerative plan, contract or arrangement, including but not limited to plans relating to options, warrants or rights, pension, retirement or deferred compensation or bonus, incentive or profit sharing (or if not set forth in any formal document, a written description thereof) in which any director or any of the five most highly compensated executive officers of the registrant participates shall be deemed material and shall be filed; and any other such plan, contract, or arrangeemnt in which any other executive officer of the registrant participates shall be filed unless immaterial in amount or significance. See Item 4 of Regulaiton S-K (17 CFR 229.20) for the definition of the term "executive officer" and for the informatin on determining the "five most highly compensated executive officers."

(2) Notwithstanding paragraph (c)(1) above, the following management contracts or remunerative plans, contracts or arrangements need not be filed:

(i) Ordinary purchase and sales agency agreements.

(ii) Agreements with managers of stores in a chain organization or similar organaization.

(iii) Contracts providing for labor or salesman's bonuses or payments to a class of security holders, as such.

(iv) Any remunerative plan, contract or arrangement which pursuant to its terms is available to employees generally and which in operation provides for the same method of allocation of benefits between management and nonmanagement participants.

Instruction: In order to comply with paragraph (c) above, registrants need only file copies of the various remunerative plans and need not file each individual director's or executive officer's personal agreement under the plans unless there are particular provisions in such personal agreement whose disclosure in an exhibit is necessary to an investor's understanding of that individual's remuneration under the plan.

Procedural Matters

With respect to the technical amendment to Regulation S–K, as required by Section 23(a) of the Exchange Act (15 U.S.C. 78w(a)) the Commission has considered the impact that such technical amendment would have on competition and has concluded that such amendment would not impose any burden on competition.

With respect to the technical amendments to Regulation S–K and Form S–18 under the Securities Act and the Exchange Act, the Commission believes that it is appropriate to adopt these technical amendments effective immediately in order to achieve its intended purpose in the rule changes adopted on August 27, 1980 [4] and to clarify potentially confusing language therein. Accordingly, the Commission pursuant to Section 553(b) of the Administrative Procedure Act ("APA") (5 U.S.C. 553(b)) for good cause finds that notice and opportunity for public comment at this time is impracticable, unnecessary and contrary to the public interest. In addition, the Commission, pursuant to Section 553(d) of the APA (5 U.S.C. 553(d)), finds good cause to adopt the foregoing technical amendments to Regulation S–K and Form S–18 effective immediately in order to achieve the intended purpose of its previous rule changes and to clarify certain language.

Authority

The amendment to Form S–18 under the Securities Act of 1933 is being adopted pursuant to the authority in Sections 6, 7, 8, 10, and 19(a) of that Act. The amendment to Regulation S–K is being adopted pursuant to all of the 1933 Act provisions referred to above and Sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 570–574; secs. 1, 2, 82 Stat. 454, sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497, sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 306(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78o(d), 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

February 6, 1981

[FR Doc. 81–4097 Filed 2–11–81; 8:45 am]

BILLING CODE 8010–01–M

[4] *See* Securities Act Release No. 65230, *supra* n. 1.

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17 CFR Part 241

[Release No. 34–17518]

Analysis of Results of 1980 Proxy Statement Disclosure Monitoring Program

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation of rules.

SUMMARY: The Securities and Exchange Commission today authorized the Division of Corporation Finance to issue a release analyzing the results of its 1980 proxy statement disclosure monitoring program and reminding issuers of certain proxy rule requirements regarding the board of directors and the form of proxy.

DATE: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: Gregory H. Mathews, (202) 272–2589, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In December 1978, the Commission adopted amendments to its proxy rules designed to improve the information available to shareholders regarding the structure, composition and functioning of issuers' boards of directors. Item 6(b) of Schedule 14A, as amended,[1] requires the issuer to describe certain economic or personal relationships between directors or nominees and the issuer or its management ("6(b) relationship"). Specifically, the proxy statement must disclose whether each nominee is a former employee, relative of an executive officer, creditor, supplier, customer, retained attorney, investment banker or control person of the issuer. Item 6(d) requires the issuer to state whether or not it has standing audit, nominating and compensation committees, and, if so, to describe the functions performed by each committee. Item 6(e) requests information about the number of board and committee meetings held during the last fiscal year and the name of each director attending less than 75 percent of the total meetings of the board and committees on which he or she served.[2]

To monitor operation of the new rules and the nature of resulting disclosures, the Division of Corporation Finance, in conjunction with the Directorate of Economic and Policy Analysis, instituted a program to survey proxy

[1] 17 CFR 240.14a–101.

[2] Final rules requiring disclosure of information regarding the composition and functioning of issuers' boards of directors were announced in Securities and Exchange Act Release No. 15384, (December 6, 1978) [43 FR 58522].

statement disclosures about the board of directors beginning with the 1979 proxy season. The results of the 1979 Proxy Monitoring Program were published in September 1980 in the *Staff Report on Corporate Accountability.*[3]

This release analyzes the results of the 1980 survey and includes a comparison between the data obtained in 1979 and 1980. It also contains several corrections to the 1979 data.[4]

The 1980 results provide a statistical profile of the boards of directors of issuers registered with the Commission pursuant to the Securities and Exchange Act of 1934. The proxy monitoring program focuses on two key areas of information relating to the corporate accountability process. The first area concerns the composition of boards of directors. Figures summarizing the existence of certain personal (such as familial) or economic (supplier, creditor, etc.) relationships between directors and the issuer or its management are presented along with statistics about the nature of director compensation arrangements. Second, the composition and functioning of three committees of the board—the audit, nominating and compensation committees—are examined.

All statistics are stratified according to the market in which the issuer's stock is traded and according to the amount of assets of the issuer.

I. Methodology

The sample if issuers to be surveyed was established in 1979 when the proxy monitoring program commenced. The 1200 proxy statements selected for examination in 1979 constituted a random sample representative of all registered issuers with publicly traded securities.[5] Excluded were proxy statements relating to approvals of mergers, acquisitions, consolidations, "going private" transactions and proxy statements for investment company issuers.

The 1980 program utilized these same 1200 issuers as a base. After removing proxy statements falling into any of the above described categories and also excluding issuers that had deregistered or that did not file proxy statements during the period from January 1 to June 1, 1980, the final sample size for 1980 was 1091 issuers. This decrease in companies means that there has been a slight increase (from 41.64 percent of all companies in 1979 to 42.4 percent in 1980) in the proportion of all companies which are large companies (over $150 million in assets). The staff has concluded, however, that the basic representativeness of the sample has not been impaired since the sample size still represents approximately 11 percent of all reporting issuers for each category of company (*See* Sample Stratification, Table 1).[6]

For each issuer in the sample, the staff completed a questionnaire with respect to 53 items of information relating to the disclosures about the board of directors contained in the 1980 proxy statements. The information thus obtained was machine processed, edited and cross-tabulated in a two way design, which takes account of the market in which each issuer's stock is traded as well as the value of the issuer's assets. The statistics include subtotals for each trading market category. The statistics shown for each market/assets category were tabulated directly from the data after adjusting for omissions from proxy statements of information required to be disclosed by Schedule 14A. The subtotal statistics, however, were estimated by taking a weighted average of the appropriate market/asset statistics.

II. Analysis

This section highlights some of the important findings from the 1980 proxy monitoring program. All comparisons of information about the nature of boards in 1979 and 1980 have been derived by comparing the 1979 proxy disclosures summarized in the *Staff Report* (as herein corrected) and the data set forth in the attached tables.

A. Board Composition and Operation

There have been statistically insignificant changes in the profile of the average board of directors (Table 2). For example, the 1980 survey indicates that 34 percent of the members of the average board is employed by the issuer, compared to 35 percent in 1979. There has been, however, an equivalent increase, from 29 percent to 30 percent, in the percent of board members having an Item 6(b) relationship with the issuer. The average board size continues to be eleven. Although the number of meetings of the average board is the same (seven) as that for the preceding year, there is evidence that some boards are becoming more active. For example, the data indicates a nearly 16 percent increase in the number of boards (approximately 85) that met at least thirteen times during the year. In addition, there has been a 65 percent decrease in companies (from 4.6 percent to 1.6 percent) which disclose in the proxy statement that their boards did not meet at all during the year (Table 8).

Further, there have been several important changes in board composition since completion of the 1979 survey. These changes include:

1. A 28 percent decrease in the number of companies with an investment banker on the board of directors. Only 14.5 percent of issuers have investment bankers on their boards (Table 5). In addition, 1.7 percent of directors are investment bankers (Table 6), down from 2.4 percent in 1979.

2. A 14 percent decrease in the number of companies with retained counsel sitting on the board. Although 49.4 percent of all companies still have attorney-directors (Table 5), only 5.7 percent of all directors is the issuer's attorney (Table 6), a significant decrease from 7.5 percent of all directors in 1979.

B. Director Compensation

With regard to director compensation, the data reveals a noticeable increase in the annual compensation rates for directors that are paid on an annual basis. For companies in this category (Table 9) 3.8 percent now pay their directors $15–20,000, a 65 percent increase over the 2.3 percent of companies indicating they did so in 1979. Eleven percent of the responding companies now pay their directors at least $10–15,000 on an annual basis, another increase over the 9.6 percent of companies in this category last year.

Table 10 indicates the range of payments directors receive when they are compensated based on each board meeting attended.

C. Board Committees

The monitoring program also gathers extensive information about the existence, composition and functioning of audit, compensation and nominating committees of the board of directors. Of the three committees, the audit committee is the most prevalent. The percent of companies with audit committee in 1980 (Table 11) increased slightly from 81.7 percent in 1979 to 84 percent in 1980. Not only do a very high proportion of large, exchange-traded companies have audit committees, but also 64 percent of relatively small (under $50 million in assets) over-the-counter companies have audit committees.

In the terms of the composition of the audit committee (Tables 14 and 15),

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[3] Division of Corporation Finance, Securities and Exchange Commission, *Staff Report on Corporate Accountability*, 96th Cong., 2d Sess., Printed for the use of the State Comm. on Banking, Housing and Urban Affairs (1980) at 596–624. (Hereinafter cited as *"Staff Report"*).

[4] The corrections are set forth in Table 11 (1979 revised).

[5] The sampling technique is fully described in the *Staff Report, supra* note 3, at 590–93.

[6] There were 9,831 reporting issuers on March 31, 1980.

there has been a 14 percent decrease in the proportion of all audit committee members who are employed by the issuer or its affiliates. Table 17 reveals that the number of audit committee members having a 6(b) relationship has decreased by 10.6 percent, to just 16 percent of all committee members. Paralleling this reduction has been a 9 percent increase in audit committees that are composed entirely of members having no Item 6(b) relations (Table 15). In 1979, 57.5 percent of audits committees had no members with a 6(b) relationship. In 1980, the proportion of audit committees in this category reached nearly 63 percent. Table 17 also contains information about the number of times the audit committee met during the last fiscal year.[7]

Table 20 summarizes the frequency with which certain major functions are performed by audit committees. In this regard, several points should be noted. First, the enormous increase in the percentage of committees that engage and discharge the company's independent accountant probably can be explained by a revision in the questionnaire to add to this category audit committees that recommend the auditor's engagement and discharge.[8] The 71.9 percent of audit committees that review the adequacy of internal accounting controls is identical to the percent that did so last year.[9]

The number of compensation committees increased from 63.5 percent in 1979 to 68.4 percent of all companies in 1980 (Table 16). In 1980, substantially fewer compensation committee members have 6(b) relationships with issuers. Only 16.9 percent of committee members has such a relationship in 1980 (Table 16), a decrease of 16 percent from the 20.1 percent of all members who had such relationships in 1979. There also has been a decline in the percentage of persons on compensation committees who are employed by the issuer, its subsidiaries or affiliates. The percentages of compensation committees performing various functions (Table 19) are similar to the percentages for 1979.

With respect to nominating committees, it should be noted initially that there were several errors made in computing the 1979 data concerning the existence of nominating committees. The data summnarized in the *Staff Report* incorrectly indicated that 28.9 percent of issuers had nominating committees in 1979. Upon recomputation of data in connection with developing the comparative figures set forth herein, it was determined that only 19.4 percent of issuers disclosed that they had such committees in 1979.[10] By 1980, one-quarter of the issuers had established such committees, an increase of 31 percent from the previous year, but still a relatively small proportion of all issuers.[11] Moreover, 41 committees (nearly 15 percent of all nominating committees) never met during the year.[12]

Table 18 summarizes information about the composition of nominating committees. There has been a slight decrease in the percentage of committee members employed by the issuer. The percentage of committee members with 6(b) relationships has decreased from 20 percent to just 15.6 percent of all persons on nominating committees.

The functions performed by nominating committees are summarized in Table 21. Virtually all committees select or recommend the nominees for director. In 1980, 12.7 percent of the committees also had responsibility for evaluating incumbent directors. This percentage, however, represents a 32 percent decrease in the number of committees performing this function the year before.[13]

The percentage of committees disclosing that they consider shareholder nominations increased to 79.1 percent of all nominating committees. The staff previously indicated that it would utilize 1980 proxy disclosures as the basis for determining whether to initiate development of a proposal for a specific rule requiring companies to adopt a procedure for considering shareholder nominations.[14] In view of the significant errors in the 1979 figures concerning the existence of nominating committees and the 30 percent increase in the number of nominating committees which occurred between the 1979 and 1980 proxy seasons, the staff has concluded that it would be premature to make a final determination at this time regarding the need for a rule concerning a procedure for considering shareholder nominations. The staff intends to take into account the results of the 1981 proxy monitoring program, which it expects will become available in October 1981, before making a recommendation to the Commission about how to proceed in this area.

III. Interpretation of Existing Proxy Rule Requirements Regarding the Board of Directors and the Form of Proxy

The staff's examination of 1091 proxy statements in connection with the 1980 proxy monitoring program revealed that a substantial number of the 1980 proxy statements do not disclosue certain information required by the proxy rules. The following breakdown indicates the percentage of proxy statements which omitted specified categories of required in information:

1. Director compensation (Item 7 of Schedule 14A, incorporating Item 4(c) of Regulation S–K)—4.5 percent
2. The non-existence of committees (Item 6(d)(1) of Schedule 14A) 2.0 percent
3. The number of committee meetings (Item 6(d)(1) of Schedule 14A) 1.4 percent
4. The number of board meetings (Item 6(e) of Schedule 14A) 1.3 percent
5. Committee functions (Item 6(d)(1) of Schedule 14A) .9 percent

The staff requests that each issuer, and its counsel, review current disclosure practices to assure that in the future the issuer's proxy statements fully comply with all the disclosure requirements set forth in Schedule 14A.

In addition, the staff's examination of proxy statements for the 1980 proxy monitoring program indicates that some issuers whose state laws or charter documents give legal effect to "against" votes in corporate elections may not be permitting their security holders to vote by proxy against nominees as required by the proxy rules. Votes cast against a

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[7] While not set forth in the table, twelve issuers disclosed that their audit committees never met during the year. An absence of meetings may raise questions concerning the actual functions of a committee and disclosures relating to the committee. In *SEC* v. *Falstaff*, CCH Fed. Sec. L. Rep. ¶ 96,583 (D.D.C. 1978) *aff'd* (D.C. Cir. May 29, 1980), the U.S. District Court for the District of Columbia concluded that "Falstaff's statement in its 1977 Proxy Statement that it had an audit committee was false and misleading in that the committee existed in name only . . . The proxy statement thus falsely conveyed to Falstaff's shareholders the impression that effective oversight was being exercised by the Board of Directors." In affirming, the United States Court of Appeals for the District of columbia stated: "The existence of a committee implies a structured investigation and anlysis of a company's fiscal welfare." (Slip Opinion at 25).

[8] The *Staff Report* indicated that the low percentage in 1979 might be due to the fact that the "question appears to ask whether the audit committee is the final arbiter of the decision to hire or fire the auditor rather than being the group making the recommendation." *Supra* note 3, at 497.

[9] Somewhat inexplicably, the 1980 data indicates a decrease in the proportion of audit committees performing all other functions enumerated in the table, except for a minimal increase in the percentage of committees that review the results of the audit.

[10] *See* Table 11 (1979 revised).

[11] Some issuers disclosed that the entire board serves as the nominating committee. The staff believes it is inappropriate to characterize the entire board as a "standing" nominating committee for purposes of making the disclosure called for by item 6(d)(1) of Schedule 14A. Therefore, it has disregarded such disclosures in computing the percentage of companies which has a nominating committee.

[12] It should be noted that included within this category may be a number of nominating committees which were not established until near or after the end of the last fiscal year.

[13] *See Staff Report, supra* note 3, at 527 and cited authorities.

[14] *Staff Report, supra* note 3, at 131.

nominee would appear to have legal effect where the vote required is a majority of the shares as to which votes are cast. In that situation, a proxy card on which a shareholder "withholds authority" would not be counted at all in the votes cast while an "against" vote would be counted. One issuer's proxy statement indicated, under the "Election of Directors" section, that "[d]irectors may be elected by a majority of the votes cast at the meeting," but the same issuer's form of proxy only permitted security holders either to withhold their vote or to vote for the nominee(s). That issuer obviously should have provided a means for its security holders to vote against the nominee(s). Similar problems appeared in the proxy materials of several other issuers that disclosed the vote required for the election of directors.[15] Therefore, the staff reminds issuers that Instruction 2 of Rule 14a-4(b)(2)[16] provides that if state law gives legal effect to votes cast against a nominee, the issuer is required to provide a means for security holders to vote against each nominee.

Accordingly, 17 CFR Part 241 is amended by adding reference to this release thereto.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 5, 1981.

Attachment A.—List of Tables

1. Sample Stratification
2. Profile of Boards of Directors
3. Size of Board
4. Persons Employed by Issuer or Affiliate
5. Percent of Issuers Having Certain Relationships with a Director
6. Percent of Directors Having Certain Relationships with Issuer
7. Directors Having a 6(b) Relationship as Percent of Board
8. Number of Board Meetings Per Year
9. Range of Director Compensation on an Annual Retainer Basis
10. Range of Director Fees Paid Per Board Meeting Attended
11. Percent of Companies Having Committees
11. (1979 Rev.) Percent of Companies Having Committees
12. Number of Committee Meetings Per Year
13. Number of Committee Members
14. Percent of Persons on Committees Employed by Issuer or Its Affiliates
15. Percent of Persons on Committees Having a 6(b) Relationship
16. Profile: Compensation Committee
17. Profile: Audit Committee
18. Profile: Nominating Committee
19. Compensation Committee Functions
20. Audit Committee Functions
21. Nominating Committee Functions
22. Percent of Companies Disclosing Director Resignations

Table 1.—*Sample Stratification*

Companies by size and trading market	Percent of total sample
All companies	100.00
Over $150 MM Assets	42.4
$50-150 MM	22.2
$0-50 MM	35.4

Table 1.—*Sample Stratification*

Companies by size and trading market	Percent of total sample
NYSE	29.5
Over $150 MM Assets	21.6
$50-150 MM	6.6
$0-50 MM	1.3
AMEX	18.2
Over $150 MM Assets	2.2
$50-150 MM	5.6
$0-50 MM	10.4
NASDAQ—Other	52.3
Over $150 MM Assets	18.6
$50-150 MM	10.0
$0-50 MM	23.7

Table 2.—*Profile of Boards of Directors*

[Sample means]

Companies by size and trading market	Size of board	Number of meetings per year	Percent employed by issuer or affiliate	Percent of board having item 6(b) relationships
All companies	10.9	7.3	34.1	30.4
Over $150MM assets	14.0	8.6	27.3	25.2
$50 to $150MM assets	9.6	6.7	37.5	31.3
0 to $50MM assets	8.0	6.2	40.0	36.1
NYSE	12.1	8.3	32.4	25.8
Over $150MM assets	13.1	8.8	29.9	24.7
$50 to $150MM assets	9.8	6.9	39.2	29.1
0 to $50MM assets	8.1	6.1	38.9	27.1
AMEX	8.8	6.6	40.0	37.5
Over $150MM assets	12.3	8.5	36.6	36.7
$50 to $150MM assets	9.4	6.6	38.7	34.5
0 to $50MM assets	7.7	6.2	41.4	39.2
NASDAQ—other	10.9	7.1	33.0	30.6
Over $150MM assets	15.3	8.3	23.3	24.5
$50 to $150MM assets	9.6	6.6	35.7	30.9
0 to $50MM assets	8.1	6.3	39.4	35.2

Table 3.—*Size of Board*

[Frequency distribution—percent]

Companies by size and trading market	Number of individuals				
	1 to 4	5 to 9	10 to 14	15 to 19	20 and above
All companies	1.4	47.1	32.4	12.3	6.8
Over $150MM assets	0.0	16.9	43.3	24.9	14.9
$50 to $150MM assets	.4	55.1	39.4	4.7	.4
0 to $50MM assets	3.7	78.3	15.1	1.9	1.1
NYSE	0.0	26.5	49.1	19.0	5.5
Over $150MM assets	0.0	14.5	53.9	24.6	7.0
$50 to $150MM assets	.0	55.7	38.6	4.3	1.4
0 to $50MM assets	.0	78.6	21.4	.0	.0
AMEX	1.6	70.9	22.9	4.1	.5
Over $150MM assets	0.0	26.1	43.5	26.1	4.4
$50 to $150MM assets	.0	59.3	37.3	3.4	.0
0 to $50MM assets	2.7	86.4	10.9	.0	.0
NASDAQ—other	2.1	50.5	26.4	11.3	9.7
Over $150MM assets	0.0	18.7	30.8	25.3	25.3
$50 to $150MM assets	.9	52.3	41.1	5.6	.0
0 to $50MM assets	4.4	74.7	16.6	2.8	1.6

[15] Item 22 of Schedule 14A does not require disclosure of the vote required to elect directors. The Commission, however, is proposing to amend Item 22 to require disclosure of the voting standard, see Securities Exchange Act Release No. 17517 (February 5, 1981).

[16] 17 CFR 240.14a-4(b)(2).

Table 4.—*Persons Employed by Issuer or Affiliate as Percent of Board Membership*

[Frequency distribution]

Companies by size and trading market	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
All companies	0.8	36.0	44.9	14.9	3.5
Over $150MM assets	0.2	51.2	39.0	7.3	2.2
$50 to $150MM assets	.4	28.8	50.4	17.8	2.5
0 to $50MM assets	1.6	22.3	48.5	22.0	5.6
NYSE	0.0	40.4	47.4	10.9	1.3
Over $150MM assets	0.0	44.7	46.5	7.5	1.3
$50 to $150MM assets	.0	30.0	50.0	18.6	1.4
0 to $50MM assets	.0	21.4	50.0	28.6	.0
AMEX	1.0	23.4	48.4	24.0	3.1
Over $150MM assets	0.0	30.4	47.8	17.4	4.4
$50 to $150MM assets	.0	28.8	45.8	23.7	1.7
0 to $50MM assets	1.8	19.1	50.0	25.4	3.6
NASDAQ—other	1.1	37.9	42.3	14.0	4.8
Over $150MM assets	0.5	61.1	29.3	6.1	3.0
$50 to $150MM assets	.9	28.0	53.3	14.0	3.7
0 to $50MM assets	1.6	23.7	47.8	20.2	6.7

Table 5.—*Percent of Issuers Having Certain Relationships With a Director*

[Sample means]

Companies by size and trading market	Employee of issuer or affiliate	Former officer or employee	Relative of executive officer	Supplier or customer	Creditor	Attorney	Investment banker	Control person
All companies	99.2	32.8	26.5	20.9	21.2	49.4	14.5	25.7
Over $150MM assets	99.8	36.3	21.8	27.4	25.2	45.9	13.4	18.9
$50 to $150MM assets	99.6	36.4	27.6	14.4	22.4	54.2	16.5	25.4
0 to $50MM assets	98.4	26.3	31.6	17.2	15.7	50.7	14.6	34.0
NYSE	100.0	36.2	16.3	23.1	31.1	41.3	17.3	15.3
Over $150MM assets	100.0	37.3	17.5	26.3	34.2	39.0	18.0	11.8
$50 to $150MM assets	100.0	32.9	21.4	15.7	25.7	50.0	14.3	24.3
0 to $50MM assets	100.0	35.7	14.3	7.1	7.1	35.7	21.4	28.6
AMEX	99.0	27.6	32.8	17.7	19.8	49.5	17.7	34.4
Over $150MM assets	100.0	30.4	39.1	21.7	30.4	56.5	26.1	34.8
$50 to $150MM assets	100.0	28.3	33.9	13.6	20.3	47.5	22.0	28.8
0 to $50MM assets	98.2	26.4	30.9	19.1	17.3	49.1	13.6	37.3
NASDAQ—other	98.9	32.6	29.0	20.8	16.1	53.9	11.8	26.5
Over $150MM assets	99.5	35.9	24.8	29.3	14.1	52.5	6.6	25.3
$50 to $150MM assets	99.1	43.0	26.0	14.0	21.5	60.8	14.9	24.3
0 to $50MM assets	98.4	25.7	32.8	17.0	15.4	52.2	14.6	32.8

Table 6.—*Percent of Directors Having Certain Relationships With Issuer*

[Sample means]

Companies by size and trading market	Employee of issuer or affiliate	Former officer or employee	Relative of executive officer	Supplier or customer	Creditor	Attorney	Investment banker	Control person
All companies	34.1	4.8	5.2	3.5	3.6	5.7	1.7	4.8
Over $150MM assets	27.3	4.4	3.3	3.9	4.0	4.2	1.2	2.7
$50 to $150MM assets	37.5	5.8	5.9	2.5	4.1	6.3	2.0	4.6
0 to $50MM assets	40.0	4.7	7.0	3.5	2.6	7.1	2.1	7.4

Table 6.—*Percent of Directors Having Certain Relationships With Issuer—Continued*

[Sample means]

Companies by size and trading market	Employee of issuer or affiliate	Former officer or employee	Relative of executive officer	Supplier or customer	Creditor	Attorney	Investment banker	Control person
NYSE	32.4	5.1	3.2	3.5	5.3	4.2	1.7	2.5
Over $150MM assets	29.9	5.0	2.9	3.6	5.6	3.7	1.7	1.7
$50 to $150MM assets	39.2	5.4	4.1	3.9	5.0	5.7	1.6	4.5
0 to $50MM assets	38.9	4.4	3.5	.9	.9	5.3	2.7	6.2
AMEX	40.0	5.1	8.1	3.0	3.4	6.7	2.1	7.4
Over $150MM assets	36.6	4.2	7.0	3.5	6.0	5.8	2.1	6.7
$50 to $150 assets	38.7	5.6	8.3	2.0	3.4	5.4	2.3	5.9
0 to $50MM assets	41.4	5.0	8.3	3.4	2.8	7.6	2.0	8.3
NASDAQ—other	33.0	4.6	5.3	3.6	2.8	6.2	1.5	5.2
Over $150MM assets	23.3	3.7	3.3	4.3	2.0	4.7	.6	3.3
$50 to $150MM assets	35.7	6.1	5.8	1.9	3.9	7.2	2.0	4.0
0 to $50MM assets	39.4	4.6	6.6	3.7	2.9	7.0	2.1	7.1

Table 7.—*Directors Having a 6(b) Relationship as Percent of Board*

[Frequency distribution]

Companies by size and trading market	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
All companies	12.4	37.9	31.6	13.0	5.1
Over $150MM assets	12.7	47.7	26.9	10.5	2.2
$50 to $150MM assets	12.3	36.8	30.9	14.8	5.1
0 to $50MM assets	12.2	26.8	37.7	14.9	8.5
NYSE	14.7	43.6	27.6	11.8	2.2
Over $150MM assets	13.2	47.4	27.6	10.5	1.3
$50 to $150MM assets	16.6	35.7	24.3	17.1	4.3
0 to $50MM assets	21.4	21.4	42.9	7.1	7.1
AMEX	10.4	28.1	37.0	14.1	10.4
Over $150MM assets	8.7	26.1	43.5	13.0	8.7
$50 to $150MM assets	11.9	32.2	33.9	11.9	10.2
0 to $50MM assets	10.0	26.4	37.3	15.4	10.9
NASDAQ—other	11.8	38.0	32.1	13.3	4.8
Over $150MM assets	12.6	50.5	24.2	10.1	2.5
$50 to $150MM assets	8.4	40.2	33.6	14.9	2.8
0 to $50MM assets	12.6	27.3	37.6	15.0	7.5

Table 8.—*Number of Board Meetings Per Year*

[Frequency distribution—percent]

Companies by size and trading market	Number of meetings				
	0	1 to 4	5 to 8	9 to 12	13 and above
All companies	1.6	22.4	45.7	22.4	7.9
Over $150MM assets	1.1	11.8	42.5	33.2	11.4
$50 to $150MM assets	1.7	27.9	47.1	18.2	5.1
0 to $50MM assets	2.1	31.5	48.6	12.2	5.6
NYSE	1.0	12.1	44.8	34.0	8.0
Over $150MM assets	1.3	7.9	42.5	38.2	10.1
$50 to $150MM assets	.0	22.9	50.0	24.3	2.9
0 to $50MM assets	.0	28.6	57.1	14.3	.0
AMEX	.5	23.4	57.3	13.0	5.7
Over $150MM assets	0.0	13.0	56.5	17.4	13.0
$50 to $150MM assets	.0	23.7	57.6	15.3	3.4
0 to $50MM assets	.9	25.4	57.3	10.9	5.4
NASDAQ—other	2.3	27.8	42.1	19.2	8.6

Table 8.—*Number of Board Meetings Per Year—Continued*

[Frequency distribution—percent]

Companies by size and trading market	Number of meetings				
Over $150MM assets	1.0	16.2	40.9	29.3	12.6
$50 to $150MM assets	3.7	33.6	39.3	15.9	7.5
0 to $50MM assets	2.8	34.4	44.3	12.6	5.9

Table 9.—*Range of Director Compensation on an Annual Retainer Basis*

[Frequency distribution—percent]

Companies by size and trading market	Annual compensation					
	$20,000 and more	$15,000 to $19,999	$10,000 to $14,999	$6,000 to $9,999	$3,000 to $5,999	Less than $3,000
All companies	0.8	3.8	11.0	20.9	34.0	29.5
Over $150MM assets	1.2	7.4	17.8	24.8	27.3	21.6
$50 to $150MM assets	.0	1.6	10.8	29.3	34.4	23.9
0 to $50MM assets	.9	.9	3.0	11.0	41.7	42.5
NYSE	1.7	10.5	23.9	32.9	23.2	7.8
Over $150MM assets	2.3	13.8	28.1	33.6	18.4	3.7
$50 to $150MM assets	.0	1.6	11.3	37.1	37.1	12.9
0 to $50MM assets	.0	.0	16.7	.0	33.3	50.0
AMEX	0.8	0.8	5.3	19.2	42.5	31.4
Over $150MM assets	0.0	0.0	14.3	28.6	47.6	9.5
$50 to $150MM assets	.0	.0	9.1	25.0	40.9	25.0
0 to $50MM assets	1.4	1.4	1.4	14.1	42.3	39.4
NASDAQ—other	0.3	1.1	5.7	14.8	37.1	41.1
Over $150MM assets	0.0	0.8	6.3	14.1	35.2	43.8
$50 to $150MM assets	.0	2.5	11.4	26.6	29.1	30.4
0 to $50MM assets	.7	.7	2.9	10.3	41.9	43.4

Table 10.—*Range of Director Fees Paid Per Board Meeting Attended*

[Frequency distribution—percent]

Companies by size and trading market	Fees paid for meeting					
	$1,000 or more	$750 to $999	$500 to $749	$250 to $499	$100 to $249	Less than $100
All companies	5.1	4.6	25.4	38.5	23.9	2.5
Over $150MM assets	6.5	3.2	31.7	35.3	22.2	1.1
$50 to $150MM assets	3.5	9.1	22.6	42.2	19.1	3.4
0 to $50MM assets	4.3	3.5	19.7	40.0	28.9	3.5
NYSE	6.4	7.6	43.5	35.3	7.3	0.0
Over $150MM assets	7.4	5.3	48.7	32.8	5.8	0.0
$50 to $150MM assets	4.2	16.7	25.0	43.8	10.4	.0
0 to $50MM assets	.0	.0	50.0	33.3	16.7	.0
AMEX	4.7	6.3	28.8	38.8	20.6	.7
Over $150MM assets	5.3	0.0	31.6	47.4	15.8	0.0
$50 to $150MM assets	2.4	12.2	29.3	36.6	17.1	2.4
0 to $50MM assets	5.9	4.4	27.9	38.2	23.5	.0
NASDAQ—other	4.5	2.4	14.1	40.3	34.4	4.4
Over $150MM assets	5.6	1.2	11.9	36.9	41.9	2.5
$50 to $150MM assets	3.7	2.5	17.3	44.4	25.9	6.2
0 to $50MM assets	3.9	3.3	14.4	41.2	32.0	5.2

Table 11.—*Percent of Companies Having Committees*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
All companies	84.0	68.4	25.4
Over $150MM assets	95.1	80.2	39.9
$50 to $150MM assets	88.7	71.0	19.5
0 to $50MM assets	67.6	52.5	11.7

Table 11.—*Percent of Companies Having Committees—Continued*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
NYSE	99.3	86.2	43.2
Over $150MM assets	99.1	90.8	48.9
$50 to $150MM assets	100.0	81.4	25.7
0 to $50MM assets	100.0	78.6	35.7
AMEX	79.5	61.8	15.5
Over $150MM assets	100.0	87.0	17.4
$50 to $150MM assets	86.4	67.2	25.0
0 to $50MM assets	71.6	53.7	9.9
NASDAQ—other	76.8	59.5	18.8
Over $150MM assets	89.8	67.2	32.0
$50 to $150MM assets	82.7	66.4	12.3
0 to $50MM assets	64.1	50.6	11.1

Table 11 (1979 Revised).—*Percent of Companies Having Committees*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
All companies	81.7	63.5	19.4
Over $150MM assets	93.8	75.7	33.2
$50 to $150MM assets	88.0	65.8	13.6
0 to $50MM assets	64.8	47.8	6.8
NYSE	99.4	84.1	35.8
Over $150MM assets	99.1	90.8	48.9
$50 to $150MM assets	100.0	81.4	25.7
0 to $50MM assets	100.0	78.6	35.7
AMEX	78.6	57.0	7.3
Over $150MM assets	100.0	87.0	17.4
$50 to $150MM assets	86.4	67.2	25.0
0 to $50MM assets	71.6	53.7	9.9
NASDAQ—other	73.1	54.5	14.7
Over $150MM assets	89.8	67.2	32.0
$50 to $150MM assets	82.7	66.4	12.3
0 to $50MM assets	64.1	50.6	11.1

Table 12.—*Number of Committee Meetings per Year*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
All companies	2.8	2.8	2.0
Over $150MM assets	3.2	3.3	2.2
$50 to $150MM assets	2.5	2.7	1.7
0 to $50MM assets	2.3	2.1	1.5
NYSE	3.1	3.4	2.4
Over $150MM assets	3.2	3.6	2.5
$50 to $150MM assets	2.6	2.9	1.9
0 to $50MM assets	2.7	2.8	1.4
AMEX	2.7	2.3	1.4

Table 12.—*Number of Committee Meetings per Year—Continued*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
Over $150MM assets	3.1	2.3	1.5
$50 to $150MM assets	2.6	2.5	1.3
0 to $50MM assets	2.3	2.2	1.5
NASDAQ—other	2.7	2.5	1.7
Over $150MM assets	3.2	2.9	1.7
$50 to $150MM assets	2.3	2.6	1.8
0 to $50MM assets	2.3	1.9	1.5

Table 13.—*Number of Committee Members*

[Sample means]

Companies by size and trading market	Audit committee	Compensation committee	Nominating committee
All companies	3.6	3.9	4.2
Over $150MM assets	3.9	4.2	4.5
$50 to $150MM assets	3.3	3.6	3.9
0 to $50MM assets	3.2	3.5	3.6
NYSE	3.7	4.0	4.2
Over $150MM assets	3.8	4.1	4.3
$50 to $150MM assets	3.3	3.7	3.6
0 to $150MM assets	3.2	3.5	3.6
AMEX	3.3	3.6	4.2
Over $150MM assets	3.5	3.6	5.3
$50 to $150MM assets	3.4	3.6	4.6
0 to $50MM assets	3.2	3.6	3.4
NASDAQ—other	3.6	3.9	4.3
Over $150MM assets	4.0	4.5	4.6
$50 to $150MM assets	3.3	3.6	3.4
0 to $50MM assets	3.2	3.5	3.8

Table 14A.—*Percent of Persons on Committees Employed by Issuer or Its Affiliates: All Companies*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	84.9	5.1	7.4	1.2	1.4
Over $150MM assets	88.4	5.4	4.3	.7	1.2
$50 to $150MM assets	83.5	4.8	9.2	1.0	1.5
0 to $50MM assets	80.2	4.7	11.1	2.4	1.6
Compensation	63.5	12.5	16.6	3.2	2.2
Over $150MM assets	69.8	13.7	13.7	.8	2.0
$50 to $150MM assets	63.5	10.2	19.1	5.4	1.8
0 to $50MM assets	52.0	12.3	27.1	5.6	3.1
Nominating	49.8	21.8	19.9	5.2	3.4
Over $150MM assets	48.6	26.0	20.9	2.8	1.7
$50 to $150MM assets	50.0	8.7	21.8	13.0	6.6
0 to $50MM assets	54.8	18.2	13.6	6.8	6.8

Table 14B.—*Percent of Persons on Committees Employed by Issuer or Its Affiliates: NYSE*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	91.2	3.6	4.9	0.3	0.0
Over $150MM assets	94.2	3.1	2.7	0.0	0.0
$50 to $150MM assets	82.6	4.4	13.0	.0	.0
0 to $50MM assets	85.7	7.1	.0	7.1	.0
Compensation	72.4	14.2	11.3	1.4	0.7
Over $150MM assets	75.9	13.0	9.7	.5	1.0
$50 to $150MM assets	61.4	15.8	19.3	3.5	.0
0 to $50MM assets	63.6	27.3	.0	9.1	.0
Nominating	53.0	22.4	16.4	6.7	1.5
Over $150MM assets	52.3	24.3	18.0	4.5	0.9
$50 to $150MM assets	61.1	.0	11.1	22.2	5.6
0 to $50MM assets	40.0	60.0	.0	.0	.0

Table 14C.—*Percent of Persons on Committees Employed by Issuer or Its Affiliates: AMEX*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	80.1	7.9	8.0	2.0	2.0
Over $150MM assets	81.8	9.1	9.1	0.0	0.0
$50 to $150MM assets	84.3	9.8	2.0	2.0	2.0
0 to $50MM assets	76.9	6.4	11.5	2.6	2.6
Compensation	53.0	13.7	23.9	6.8	2.6
Over $150MM assets	65.0	5.0	25.0	5.0	0.0
$50 to $150MM assets	64.1	10.3	15.4	7.7	2.6
0 to $50MM assets	41.4	19.0	29.3	6.9	3.4
Nominating	43.3	23.3	26.7	6.7	0.0
Over $150MM assets	0.0	50.0	50.0	0.0	0.0
$50 to $150MM assets	46.7	26.7	20.0	6.7	.0
0 to $50MM assets	54.6	9.1	27.3	9.1	.0

Table 14D.—*Percent of Persons on Committees Employed by Issuer or Its Affiliates: NASDAQ—OTHER*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	82.0	5.2	9.0	1.6	2.1
Over $150MM assets	81.8	7.9	5.7	1.7	2.8
$50 to $150MM assets	83.7	2.3	10.5	1.2	2.3
0 to $50MM assets	81.4	3.7	11.8	1.9	1.2
Compensation	59.9	10.7	22.8	3.3	3.3
Over $150MM assets	61.1	16.0	18.3	.8	3.8
$50 to $150MM assets	64.8	5.6	21.1	5.6	2.8
0 to $50MM assets	55.9	7.9	28.4	4.7	3.1
Nominating	47.5	20.5	22.4	2.9	6.8
Over $150MM assets	45.2	27.4	24.2	.0	3.2
$50 to $150MM assets	38.5	.0	38.5	7.7	15.4
0 to $50MM assets	57.1	14.3	10.7	7.1	10.7

Table 15A.—*Percent of Persons on Committees Having a 6(b) Relationship: All Companies*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	62.8	7.9	21.3	4.2	3.6
Over $150MM assets	68.1	8.5	14.9	5.0	3.5
$50 to $150MM assets	56.8	9.2	26.7	2.9	3.9
0 to $50MM assets	58.9	5.9	27.7	4.0	3.6
Compensation	56.8	12.8	19.3	6.5	2.6
Over $150MM assets	60.6	12.3	16.5	7.5	3.1
$50 to $150MM assets	58.1	13.2	21.6	5.4	1.8
0 to $50MM assets	56.1	13.3	22.4	5.6	2.6
Nominating	59.6	16.1	15.3	5.6	3.4
Over $150MM assets	60.0	18.0	13.0	5.1	4.0
$50 to $150MM assets	56.5	17.4	21.8	4.3	.0
0 to $50MM assets	61.4	6.8	18.2	9.1	5.5

Table 15B.—*Percent of Persons on Committees Having a 6(b) Relationship: NYSE*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	68.8	7.1	18.2	3.9	2.0
Over $150MM assets	69.3	7.6	15.6	4.9	2.7
$50 to $150MM assets	68.1	5.8	24.6	1.4	.0
0 to $50MM assets	64.3	7.1	28.6	.0	.0
Compensation	62.9	12.7	16.3	6.2	1.8
Over $150MM assets	63.3	13.5	14.5	6.8	1.9
$50 to $150MM assets	63.2	10.5	19.3	5.3	1.8
0 to $50MM assets	54.6	9.1	36.4	.0	.0
Nominating	57.4	16.5	15.7	7.5	3.0
Over $150MM assets	55.9	18.9	15.3	7.2	2.7
$50 to $150MM assets	66.7	5.6	16.7	11.1	.0
0 to $50MM assets	60.0	.0	20.0	.0	20.0

Table 15C.—*Percent of Persons on Committees Having a 6(b) Relationship: AMEX*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	55.0	6.6	29.2	4.6	4.6
Over $150MM assets	54.6	9.1	36.4	0.0	0.0
$50 to $150MM assets	56.8	9.8	21.6	3.9	5.9
0 to $50MM assets	52.6	3.9	32.1	6.4	5.1
Compensation	53.9	15.4	23.1	5.1	2.5
Over $150MM assets	50.0	10.0	25.0	10.0	5.0
$50 to $150MM assets	56.4	17.9	23.1	2.6	.0
0 $50MM assets	53.4	15.5	22.4	5.2	3.4
Nominating	40.0	30.0	20.0	10.0	.0
Over $150MM assets	0.0	75.0	25.0	0.0	0.0

Table 15C.—*Percent of Persons on Committees Having a 6(b) Relationship: AMEX—Continued*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
$50 to $150MM assets	60.0	33.3	6.7	.0	.0
0 to $50MM Assets	27.3	9.1	36.4	27.3	.0

Table 15D.—*Percent of Persons on Committees Having a 6(b) Relationship: NASDAQ—Other*

[Frequency distribution]

	Percent				
	0	1 to 25	26 to 50	51 to 75	76 to 100
Audit	61.2	9.0	20.8	4.3	4.5
Over $150MM assets	68.2	9.7	11.4	5.7	5.1
$50 to $150MM assets	46.7	11.6	31.4	3.5	5.8
0 to $50MM assets	61.5	6.8	25.5	3.1	3.1
Compensation	57.2	11.8	20.4	7.3	3.4
Over $150MM assets	58.0	10.7	18.3	8.4	4.6
$50 to $150MM assets	54.9	12.7	22.5	7.0	2.8
0 to $50MM assets	57.5	12.6	21.3	6.3	2.4
Nominating	68.0	11.7	13.5	1.9	4.9
Over $150MM assets	71.0	12.9	8.1	1.6	6.4
$50 to $150MM assets	38.5	15.4	46.1	.0	.0
0 to $50MM assets	75.0	7.1	10.7	3.6	3.6

Table 16.—*Profile: Compensation Committees*

[Sample means]

Companies by size and trading market	Percent having committees	Size	Number of meetings	Percent employed by issuer or affiliate	Percent having 6(b) relationship
All companies	68.4	3.9	2.8	14.2	16.9
Over $150MM assets	80.2	4.2	3.3	11.0	16.5
$50 to $150MM assets	71.0	3.6	2.7	14.2	16.6
0 to $50MM assets	52.5	3.5	2.1	20.3	18.0
NYSE	88.2	4.0	3.4	9.1	15.0
Over $150MM assets	90.8	4.1	3.6	7.8	14.9
$50 to $150MM assets	81.4	3.7	2.9	13.1	15.5
0 to $50MM assets	78.6	3.5	2.8	13.2	13.2
Amex	61.8	3.6	2.3	21.1	17.5
Over $150MM assets	87.0	3.6	2.3	16.4	19.2
$50 to $150MM assets	67.2	3.6	2.5	16.4	15.0
0 to $50MM assets	53.7	3.6	2.2	25.8	18.7
NASDAQ—other	59.5	3.9	2.5	16.1	18.3
Over $150MM assets	67.2	4.5	2.9	15.1	18.5
$50 to $150MM assets	66.4	3.6	2.6	13.8	18.5
0 to $50MM assets	50.6	3.5	1.9	18.3	18.1

Table 17.—*Profile: Audit Committees*

[Sample means]

Companies by size and trading market	Percent having committees	Size	Number of meetings	Percent employed by issuer or affiliate	Percent having 6(b) relationship
All companies	84.0	3.6	2.8	5.9	16.1

Table 17.—*Profile: Audit Committees—Continued*

[Sample means]

Companies by size and trading market	Percent having committees	Size	Number of meetings	Percent employed by issuer or affiliate	Percent having 6(b) relationship
Over $150MM assets	95.1	3.9	3.2	4.0	13.8
Over $50 to $150MM assets	88.7	3.3	2.5	6.6	17.6
Over 0 to $50MM assets	67.6	3.2	2.3	8.4	18.9
NYSE	99.3	3.7	3.1	2.7	13.0
Over $150MM assets	99.1	3.8	3.2	1.5	13.5
Over $50 to $150MM assets	100.0	3.3	2.6	5.8	11.5
Over 0 to $50MM assets	100.0	3.2	2.7	6.7	13.3
AMEX	79.5	3.3	2.6	8.6	20.8
Over $150MM assets	100.0	3.5	3.1	6.5	13.0
Over $50 to $150MM assets	86.4	3.4	2.6	6.3	17.1
Over 0 to $50MM assets	71.6	3.2	2.3	10.8	25.5
NASDAQ—other	76.8	3.6	2.7	7.2	16.7
Over $150MM assets	89.8	4.0	3.2	6.9	14.2
Over $50 to $150MM assets	82.7	3.3	2.3	7.3	22.6
Over 0 to $50MM assets	64.1	3.2	2.3	7.4	16.2

Table 18.—*Profile: Nominating Committees*

[Sample means]

Companies be size and trading market	Percent having committees	Size	Number of meetings	Percent employed by issuer or affiliate	Percent having 6(b) relationship
All companies	25.4	4.2	2.0	19.3	15.6
Over $150MM assets	39.9	4.5	2.2	16.7	15.6
Over $50 to $150MM assets	19.5	3.9	1.7	26.0	15.0
Over 0 to $50MM assets	11.7	3.6	1.5	23.0	16.7
NYSE	43.2	4.2	2.4	17.2	17.4
Over $150MM assets	48.9	4.3	2.5	15.5	17.8
Over $50 to $150MM assets	25.7	3.6	1.9	27.7	15.4
Over 0 to $50MM assets	35.7	3.6	1.4	16.7	16.7
AMEX	15.5	4.2	1.4	20.1	20.8
Over $150MM assets	17.4	5.3	1.5	28.6	23.8
Over $50 to $150MM assets	25.0	4.6	1.3	18.8	11.6
Over 0 to $50MM assets	9.9	3.4	1.5	18.9	32.4
NASDAQ—other	18.8	4.3	1.7	21.9	11.8
Over $150MM assets	32.0	4.8	1.7	18.2	11.1
Over $50 to $150MM assets	12.3	3.4	1.8	31.8	18.2
Over 0 to $50MM assets	11.1	3.8	1.5	25.7	10.5

Table 19.—*Compensation Committee Functions*

[Sample means]

Companies by size and trading market	Percent approve or recommend compensation for senior management	Percent adopt compensation plans in which officers may participate	Percent administer stock option plans	Percent other functions
All companies	90.8	40.9	36.9	28.0
Over $150MM assets	91.6	45.0	41.0	30.2
$50 to $150MM assets	89.7	39.5	35.3	30.0
0 to $50MM assets	90.3	34.7	30.7	22.4

Table 19.—*Compensation Committee Functions—Continued*

[Sample means]

Companies by size and trading market	Percent approve or recommend compensation for senior management	Percent adopt compensation plans in which officers may participate	Percent administer stock option plans	Percent other functions
NYSE	92.7	45.8	48.8	33.1
Over $150MM assets	92.3	45.9	49.8	34.8
$50 to $150MM assets	94.7	47.4	45.6	26.3
0 to $50MM assets	90.9	36.4	45.5	36.4
AMEX	89.7	36.8	33.3	19.7
Over $150MM assets	95.0	40.0	35.0	10.0
$50 to $150MM assets	82.1	41.0	26.2	30.8
0 to $50MM assets	93.1	32.8	36.2	15.5
NASDAQ—other	89.7	38.3	26.3	26.8
Over $150MM assets	90.1	44.3	28.2	26.0
$50 to $150MM assets	90.1	32.4	31.0	32.4
0 to $50MM assets	89.0	35.4	26.8	24.4

Table 20.—*Audit Committee Functions*

[Sample means]

Companies by size and trading market	Percent engage and percent discharge auditors	Percent direct investigations	Percent review audit plan	Percent review audit results	Percent approve each professional service	Percent consider range of audit and nonaudit fee	Percent review adequacy of internal control
All companies	68.2	10.0	66.8	85.3	50.7	38.6	71.9
Over $150MM assets	70.0	9.0	68.6	86.8	52.5	38.1	75.4
$50 to $150MM assets	66.5	9.2	62.1	82.5	48.6	42.7	70.4
0 to $50MM assets	66.8	12.3	67.8	85.0	49.4	36.0	67.2
NYSE	75.7	10.0	67.5	87.4	56.5	44.2	77.3
Over $150MM assets	76.9	10.2	68.0	87.6	56.4	43.6	77.8
$50 to $150MM assets	73.9	10.1	65.2	84.1	55.1	47.8	78.3
0 to $50MM assets	64.3	7.1	71.4	100.0	64.3	35.7	64.3
AMEX	60.9	9.9	66.9	85.5	43.7	31.8	69.5
Over $150MM assets	54.5	.0	63.6	95.5	45.5	27.3	72.7
$50 to $150MM assets	58.8	7.8	58.8	84.3	41.2	33.3	64.7
0 to $50MM assets	64.1	14.1	73.1	83.3	44.9	32.1	71.8
NASDAQ—other	65.5	9.9	66.2	83.7	48.9	36.9	68.8
Over $150MM assets	63.1	8.5	69.9	84.7	48.3	32.4	72.7
$50 to $150MM assets	65.1	9.3	61.6	80.2	47.7	44.2	67.4
0 to $50MM assets	68.3	11.8	64.6	84.5	50.3	37.9	65.2

Table 21.—*Nominating Committee Functions*

[Sample means]

Companies by size and trading market	Percent select or recommended nominees	Percent evaluate incumbent directors	Percent consider shareholder recommendations	Percent other functions
All companies	97.4	12.7	79.1	24.7
Over $150MM assets	97.7	13.0	83.7	26.0
$50 to $150MM assets	95.7	17.4	69.5	21.8
0 to 50MM assets	97.7	6.8	70.5	22.7
NYSE	96.5	14.9	84.3	29.8

Table 21.—*Nominating Committee Functions—Continued*

[Sample means]

Companies by size and trading market	Percent select or recommended nominees	Percent evaluate incumbent directors	Percent consider shareholder recommendations	Percent other functions
Over $150MM assets	98.2	16.2	82.9	30.6
$50 to $150MM assets	100.0	11.1	94.4	22.2
0 to $50MM assets	100.0	.0	80.0	40.0
AMEX	93.3	16.7	56.7	13.3
Over $150MM assets	100.0	.0	50.0	.0
$50 to $150MM assets	86.7	26.7	60.0	13.3
0 to $50MM assets	100.0	9.1	54.5	18.2
NASDAQ—other	97.1	8.7	78.7	21.4
Over $150MM assets	96.8	8.1	87.1	19.4
$50 to $150MM assets	100.0	15.4	46.2	30.8
0 to $50MM assets	96.4	7.1	75.0	21.4

Table 22.—*Percent of Companies Disclosing Director Resignations*

[Sample means]

Companies by size and trading market	Percent
All companies	8.9
Over $150MM assets	10.3
$50 to $150MM assets	6.8
0 to $50MM assets	8.5
NYSE	11.2
Over $150MM assets	12.7
$50 to $150MM assets	7.1
0 to $50MM assets	7.1
AMEX	6.8
Over $150MM assets	4.4
$50 to $150MM assets	6.8
0 to $50MM assets	7.3
NASDAQ—Other	8.2
Over $150MM assets	8.1
$50 to $150MM assets	6.5
0 to $50MM assets	9.1

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DEPARTMENT OF STATE

22 CFR Part 22

[Departmental Regulation 108.800]

Schedule of Fees for Consular Services—Department of State and Foreign Service

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule establishes a new Schedule of Fees for services which provide special benefits to individuals. It also identifies various services to be rendered without fee. The new Schedule of Fees for Consular Services will be reviewed and revised periodically to insure cost recovery to the full extent possible in keeping with national interests.

EFFECTIVE DATE: February 12, 1981.

ADDRESS: Ronald K. Somerville, Executive Director, Bureau of Consular Affairs, Department of State, 2201 C Street, NW., Washington, D.C. 20520.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register**, December 12, 1980 (45 FR 81778) inviting persons to submit comments regarding the proposed regulation. No unfavorable comments were received. Therefore, the proposed rule is adopted with the following minor corrections and minor amendments for clarification:

1. The amendment in item 7(a) reflects a change effective January 1, 1981 (46 FR 2343) which discontinued the practice of including an American citizen child under the age of 13 years in a United States passport issued to the child's parent or sibling.

2. The amendment in item 13(a) is to make clear that this service also includes furnishing a "Certificate of Birth."

3. The change in item 88 shows the correct fee for document searches at Foreign Service posts. This fee is the same as that applied to file searches under item 14(a).

Accordingly, Part 22 of Title 22 of the Code of Federal Regulations is revised as set forth below.

Dated: February 9, 1981.

For the Secretary of State.

Robert H. Miller,

Acting Under Secretary for Management.

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

Sec.

22.1 Schedule of fees.
22.2 Requests for services in the United States.
22.3 Remittances in the United States.
22.4 Requests for services, Foreign Service.
22.5 Remittances to Foreign Service posts.
22.6 Refund of fees.
22.7 Collection and return of fees.
22.8 Effective date.

Authority: Secs. 3, 4, 63 Stat. 111, as amended (22 U.S.C. 811a; 2658; 22 U.S.C. 2651; 5 U.S.C. 483a; 22 U.S.C. 1201); E.O. 10718, 22 FR 4632; 3 CFR, 1954–1958 Comp. page 382.

§ 22.1 Schedule of fees.

Item number	Fee
Passport and Citizenship Services	
1. Execution of application for passports	$5.00.
2. Examination of passport application executed before a foreign official.	$5.00.
3. Issuance of passport (22 U.S.C. 214)	$10.00.
(Item No. 4 vacant)	
5. Issuance of card of identity	$5.00.
6. Execution of application for and issuance of passport:	
(a) To officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 U.S.C. 214).	No fee.
(b) To American seamen who require a passport in connection with their duties aboard an American flag-vessel (22 U.S.C. 214).	Do.

Item number	Fee
(c) To widows, children, parents, brothers, or sisters of deceased members of the Armed Forces proceeding abroad to visit the graves of such members (22 U.S.C. 214).	Do.
(d) To employees of the American National Red Cross proceeding abroad as a member of the Armed Forces of the United States (10 U.S.C. 2602(c)).	Do.
(e) Peace Corps Volunteers and Volunteer Leaders, who are deemed to be employees of the United States for purposes of exemption from passport fees (22 U.S.C. 2504(a)).	Do.
7. Amendment to passport:	
(a) To show current or new information	Do.
(b) To correct administrative error	Do.
(c) To extend time limitation	Do.
8. Verification of passport	Do.
9. Execution of application for registration	Do.
10. Execution of affidavit in regard to American birth in connection with application for passport or citizenship determination.	Do.
11. Administering the oath of allegiance to a native-born American woman who lost her citizenship.	Do.
12. For delivery to the applicant of a certified copy of an executed form:	
(a) Of repatriation of a native-born American woman whose marital status with an alien terminated prior to January 13, 1941.	$4.00.
(b) Of repatriation of a native-born American woman under sec. 324 of the Immigration and Nationality Act (8 U.S.C. 1435).	$4.00.
(c) Of repatriation under the act of July 20, 1954 (8 U.S.C. 1438 supp.) of a person who while a citizen of the United States lost his citizenship by voting in Japan between September 2, 1945 and April 27, 1952, inclusive.	$4.00.
13. Documents relating to births, marriages or deaths of American citizens abroad where reported to a Foreign Service post:	
(a) Registration of birth of American citizen, including furnishing one copy of Form FS-240 "Report of Birth Abroad of a Citizen of the United States of America" and Form FS-545, "Certification of Birth".	$13.00.
(b) "Certificate of Witness to Marriage" in quadruplicate.	$55.00.
(c) Authentication of original documents of marriage, per copy.	$4.00.
(d) "Report of Death of an American Citizen" and sending one copy each to legal representative and to closest known relative or relatives.	No fee.
[Certified copies of the above documents may be obtained from Passport Services, Department of State, Washington, D.C. 20524, $4.00 per copy]	
14. Documents from passport files and related records (except as specified in Item 13):	
(a) For file search	$8.00.
(b) For duplicating by photocopy or other such means, per each copy of each page.	$0.20.
(c) For certifying of a true copy	$2.00.
(d) For certifying by letter under official seal a statement or extract from passport files or a statement that no record of a passport file can be located (plus $8 search charge 14a).	$2.00.
15. Any service described in Item 14 when:	
(a) Required for official use by an agency of the Federal Government or of any of the States or their subdivisions or of the District of Columbia, or of any of the territories and possessions of the United States.	No fee.
(b) Performed in response to a subpoena or other order of a court. (However, fees are chargeable when the service is for the benefit of a party in interest and a court order or subpoena is issued in an individual's behalf).	Do.
(c) Performed in providing to a party in interest, a copy of the transcript of a hearing held before a panel, board, or other authority of the Department.	Do.
16. Granting an exception under 22 CFR 53.2(h) of Travel Control Regulations.	$60.00.
17. Instant Photo Service, where offered by a Foreign Service post, for each pair of identical photographs	$7.00.
(Item Nos. 18 and 19 vacant)	
[*Surcharges*, per Item No. 93, are required for any fee services under *Passport and Citizenship* when performed away from office or during non-duty hours either in the United States or in a foreign country.]	
Visa Services for Aliens	
20. Furnishing and verification of application for immigrant visa, including duplicate copy.	$5.00.
21. Issuance of each immigrant visa	$20.00.
22. Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in Appendices B, C, and E, Part IV, FAM, Vol. 9 of Department of State, as amended from time to time).	Recip.
23. Furnishing and verification of application and issuance of nonimmigrant visa to:	
(a) An alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756).	No fee.
(b) An official representative of a foreign government, or an international or regional organization of which the U.S. is a member.	Do.
(c) An alien participating in a U.S. Government program.	Do.
24. Visa or supplemental visa of alien crew list:	
Up to 40 crew members	$35.00.
41 to 100 crew members	$60.00.
101 to 200 crew members	$85.00.
Over 200 crew members	$152.00.
25. Revalidation or transfer of a nonimmigrant visa	Recip.
(Item Nos. 26 through 29 vacant)	
[*Surcharges*, per Item No. 93, are required for any fee services under *Visa Services for Aliens* when performed away from office or during non-duty hours.]	
Services Relating to Vessels and Seamen	
30. Noting marine protest, when required by a master of a foreign or an undocumented vessel.	$9.00.
31. Extending marine protest, when required by a master of a foreign or an undocumented vessel.	$52.00.
32. Protest of master against charterers or freighterers, when required by a master of a foreign or an undocumented vessel.	$8.00.
33. Shipment or discharge of seaman on undocumented vessel, each seaman.	$5.00.
34. Recording of bill of sale of vessel purchased abroad, taking of application for provisional certificate of registration or certificate of American ownership, and investigation.	$40.00.
35. Issuance of provisional certificate of registry or certificate of American ownership.	$30.00.
36. Services under this tariff (unless designated "no exceptions") when performed for American vessels or for American seamen (22 U.S.C. 1186).	No fee.
(Item Nos. 37 through 44 vacant)	
[*Surcharges*, per Item No. 93, are required for any fee services under *Services Relating to Vessels and Seamen* when performed away from office or during non-duty hours. However, only one such SURCHARGE may be applied to a group served on the same visit under item 33.]	
Notarial Services and Authentications	
45. Administering an oath and certificate thereof	$4.00.
46. Taking the acknowledgement of the execution of a document, and certificate thereof.	$4.00.
47. Certifying under official seal that a copy or extract made from an official or a private document is a true copy. For certifying each copy of each page.	$2.00.
48. Certifying to official character of a foreign notary or other official (i.e., authenticating a document).	$4.00.
49. Administering oaths, taking acknowledgements, or supplying authentications, in connection with application for letters patent or registration of trademarks, or with the assignment or transfer of rights thereunder.	$4.00.
50. Administering an oath and certificate thereof for petition for immediate relative, non-immigrant finance(e), temporary workers non-immigrant intracompany transferee, or preference immigrant status.	$4.00.
51. Administering oaths or taking acknowledgements, or authenticating the signatures of officials, in connection with kinsmen's petitions for wages and effects of deceased seamen of the American merchant marine (46 U.S.C. 627).	$13.00.
52. For affidavit of petitioner or his agent on documents or evidence to be presented to the Federal Government.	$4.00.
53. Authenticating a Federal, State or Territorial seal, or certifying to the official status of an officer of the United States Department of State or of a foreign diplomatic or consular officer accredited to or recognized by the United States Government, or any document submitted to the Department for that purpose.	$4.00.
(Item No. 54 vacant)	
55. Noting of a negotiable instrument for want of acceptance or payment, certifying to protest and giving notice to issuer and endorsers when requested to do so.	$10.00.
(Item Nos. 56 through 57 vacant)	
58. Services under the heading, "Notarial Services and Authentications" when rendered:	
(a) In connection with the execution of forms or documents required by and to be presented to any department or agency of the Federal Government.	No fee.
(b) In connection with the assignment and transfer of United States bonds or other Federal financial obligations or the execution of powers of attorney therefor to collect interest thereon.	Do.
(c) In connection with the execution of forms or documents required by and to be presented to the States and their subdivisions, the District of Columbia, or any of the territories or possessions of the United States.	Do.
(d) In the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof.	Do.
(e) To claimants and beneficiaries and their witnesses, in connection with Federal, State and municipal allotment, pension, retirement, insurance, medical compensation, or like benefits.	Do.
(f) To American citizens, while outside the United States, in preparation of ballots to be used in any primary, general or other public elections in the United States or in territories under their jurisdiction.	Do.
(g) For official non-commercial use by a foreign government or by an international agency of which the Government of the United States is a member.	Do.
(h) To an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy.	Do.
(i) To U.S. Government personnel and Peace Corps volunteers or their dependents officially stationed or traveling in a foreign country.	Do.
59. Affidavit on preparation and packing of remains.	Do.
60. Consular mortuary certificate	Do.
(Item Nos. 61 through 65 vacant)	
66. Executing commissions to take testimony in connection with foreign documents for use in criminal cases when the commission is accompanied by an order of Federal court on behalf of an indigent party as contemplated by 18 U.S.C. 3495.	Do.
67. Providing seal and certificate for return of letters rogatory executed by foreign officials.	$16.00.
(Item No. 68 vacant)	
[*Surcharges*, per Item No. 93, are required for fee services under *Notarial Services and Authentications* when performed away from office or during non-duty hours.]	
Services Relating to the Taking of Evidence	
69. In taking depositions or executing commissions to take testimony:	
(a) For the services of a diplomatic or consular officer. (For each hour or fraction thereof, but without surcharge).	$90.00
(b) For the services, if required, of a staff member of the Foreign Service as interpreter, stenographer or typist. (For each hour or fraction thereof, but without surcharge).	$35.00

Item number	Fee
[Transportation and incidental expenses shall be collected if applicable to services performed under (a) or (b) above.]	
Decedents and Decedents' Estates	
70. Taking into possession under 22 U.S.C. 1175 the personal estate of any citizen who shall die within the limits of a consular district, and arranging for inventory, sale, and final disposition thereof according to law.	No fee.
71. Services as described under Item No. 70 above when performed in the case of a deceased employee of the United States.	Do.
72. For placing or removing official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal, to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose or transfer of custody.	Do.
73. Arrangements for shipping or other disposition of remains.	Do.
(Item No. 74 vacant)	
Copying and Recording	
75. For typing a copy of document or extract of a document. (For each 200 words or part thereof).	$3.00.
76. For photocopying or otherwise duplicating a document. (For each copy of each page). (This fee does not apply to such customary activities as issuance of copies of records: (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the post's library or the library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.).	$0.20.
(Item Nos. 77 through 81 vacant).	
Examination Services	
82. Supervising or proctoring an examination at the request of an agency or instrumentality of the Federal or a State Government by a consular or other officer, including completion of a certificate without seal. (For each hour or fraction thereof, unless the cost is reimbursable to the Department of State by an agency or instrumentality of the Federal or a State government; however, surcharge of Item No. 93 does not apply.).	$90.00.
Exemption for Federal Agencies and Corporations	
83. Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock.	No fee.
Other Consular Services	
84. Preparing and sending Interested Party Messages for the primary benefit of non-government individuals, organizations or groups:	
(a) From Department of State to a Foreign Service post.	$15.00.
(b) From a Foreign Service post to another Foreign Service post or to the Department of State.	$15.00.
85. Translating of documents to assist non-government individuals, organizations or groups (for each hour or fraction thereof of staff employee time, but without surcharge).	$35.00.
86. U.S. Selective Service Registration in a foreign country.	No fee.
87. Distribution of U.S. Treasury checks to Federal beneficiaries.	Do.
88. Searching for and forwarding a document requested from a Foreign Service post by a non-government individual, organization or group (for each document).	$8.00.
(Item Nos. 89 and 90 vacant)	
91. Collection of fees by a Foreign Service post for: services performed by Department of State offices within the United States under this Schedule of Fees; services performed under 22 C.F.R. 614 (Freedom of Information Services).	No fee.
92. Setting up and maintaining a trust account for one year or less to transfer funds to, or in behalf of, an American in need in a foreign country.	$15.00.
Surcharge for Service Rendered Away From Office or After Duty Hours in the United States or in a Foreign Country	
93. Except for instances of common disaster (i.e., ship wrecks, air crashes, etc.) or evacuations, a surcharge for service when rendered elsewhere than in a Department of State consular office or Passport Agency or at a Foreign Service post or after duty hours at the request of the parties concerned, shall be added to the regular fee:	
(1) American employee	$20.00.
(2) Foreign Service National employee	$10.00.

(In addition to the surcharge prescribed above, transportation and other incidental expenses necessarily being incurred by officers or staff employees of Passport Agencies in the U.S. or of Foreign Service posts shall be collected on an estimated cost basis from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such.)

§ 22.2 Requests for services in the United States.

(a) *Requests for records.* Requests by the file subject of the individual's authorized agent for services involving U.S. passport applications and related records, including consular birth, marriage and death records and authentication of other passport file documents, shall be addressed to Passport Services, Department of State, Washington, D.C. 20524. Requests for consular birth records should specify if a Consular Report of Birth (Form FS 240, or long form) or Certification of Birth (Form DS 1350, or short form) is desired. Advance remittance of the exact fee is required for each service.

(b) *Authentication services.* Requests for Department of State authentication of documents other than passport file documents must be accompanied by remittance of the exact total fee chargeable and addressed to the Authentication Officer, Department of State, Washington, D.C. 20520.

§ 22.3 Remittances in the United States.

(a) *Remittances in the United States.* Remittances shall be in the form of: (1) check on bank draft drawn on a bank in the United States; (2) money order, postal, international or bank; or (3) U.S. currency. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsibility for cash which is lost in the mail.

(b) *Exact payment of fees.* Fees must be paid in full prior to issuance of requested documents. If uncertainty as to the existence of a record or as to the number of sheets to be copied precludes remitting the exact fee chargeable with the request, the Department of State will inform the interested party of the exact amount required.

§ 22.4 Requests for services, Foreign Service.

Officers of the Foreign Service shall charge for official services performed abroad at the rates prescribed in this schedule, in coin of the United States or at its representative value in exchange (22 U.S.C. 1202). For definition of representative value in exchange, see § 23.4 of this chapter. No fees named in this schedule shall be charged or collected for the official services to American vessels and seamen (22 U.S.C. 1186). The term "American vessels" is defined to exclude, for the purposes of this schedule, undocumented American vessels and the fees prescribed herein shall be charged and collected for such undocumented vessels. However, the fees prescribed herein shall not be charged or collected for American public vessels, which includes any vessel owned or operated by a U.S. Government department or agency and engaged exclusively in official business on a non-commercial basis. This schedule of fees shall be kept posted in a conspicuous place in each Foreign Service consular office, subject to the examination by all persons interested therein (22 U.S.C. 1197).

§ 22.5 Remittances to Foreign Service posts.

Remittances to Foreign Service posts from persons in the United States in payment of official fees and charges or for the purpose of establishing deposits in advance of rendition of services shall be in a form acceptable to the post, drawn payable to the American Embassy (name of city), American Consulate General (name of city) or American Consulate (name of city), as the case may be. This will permit cashing of negotiable instruments for deposit in the Treasury when not negotiated locally. See § 23.2 of this Chapter.

(a) *Time at which fees become payable.* Fees are due and payable prior to issue or delivery to the interested party of a signed document, a copy of a record, or other paper representative of a service performed.

(b) *Receipt for fees; register of services.* Every officer of the Foreign Service responsible for the performance of services as enumerated in the Schedule of Fees for Consular Services Department of State and Foreign Service (§ 22.1), shall give receipts for fees collected for the official services rendered, specifying the nature of the

service and numbered to correspond with entries in a register maintained for the purpose (22 U.S.C. 1192, 1193, and 1194). The register serves as a record of official acts performed by officers of the Foreign Service in a governmental or notarial capacity, corresponding in this regard with the record which notaries are usually expected or required to keep of their official acts. See § 92.2 of this chapter.

(c) *Deposits to guarantee payment of fees or incidental costs.* When the amount of any fee is determinable only after initiation of the performance of a service, or if incidental costs are involved, the total fee and incidental costs shall be carefully estimated and an advance deposit required, subject to refund of any unused balance to the person making the deposit.

§ 22.6 Refund of fees.

Fees which have been collected for deposit in the Treasury are refundable: (a) as specifically authorized by law (see 22 U.S.C. 214a concerning passport fees erroneously charged persons excused from payment, 22 U.S.C. 216 concerning passport fees in cases where the appropriate representative in the United States of a foreign government refuses a visa, and 46 U.S.C. 8 concerning fees improperly imposed on vessels or seamen); (b) when the principal officer at the consular post where the fee was collected (or the officer in charge of the consular section at a combined diplomatic/consular post) finds upon review of the facts that the collection was erroneous under applicable law; and (c) where determination is made by the Department of State with a view to payment of a refund in the United States in cases in which it is impracticable to have the facts reviewed and refund effected by and at the direction of the responsible consular office. See § 13.1 of this chapter concerning refunds of fees improperly exacted by consular officers who have neglected to return the same to the Treasury.

§ 22.7 Collection and return of fees.

No fees other than those prescribed in the Schedule of Fees, § 22.1, or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U.S.C. 1201). All fees received by any officer of the Foreign Service for services rendered in connection with the duties of office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U.S.C. 99 and 812). For receipt, registry, and numbering provisions, see § 22.5(b).

§ 22.8 Effective date.

The charges established become effective on February 12, 1981 with respect to all services rendered pursuant to requests received in the Department of State and the Foreign Service on or after the effective date.

[FR Doc. 81-4981 Filed 2-11-81; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7750]

Voluntary Employees' Beneficiary Association; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the **Federal Register** publication beginning at 46 FR 1719 of the full text of the regulations which were the subject of Treasury Decision 7750 relating to voluntary employees' beneficiary associations under section 501(c)(9) of the Internal Revenue Code of 1954.

EFFECTIVE DATE: The regulations are, with certain exceptions, effective for taxable years beginning after December 31, 1954. This correction is to be effective the same date.

FOR FURTHER INFORMATION CONTACT: Kimley R. Johnson of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-6212, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On July 17, 1980, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part I) under section 501(c)(9) of the Internal Revenue Code of 1954 (45 FR 47871), as amended by section 121 of the Tax Reform Act of 1969 (83 Stat. 541). On January 7, 1981, the **Federal Register** published Treasury Decision 7750 (FR Doc. 80-40835) at 46 FR 1719. The purpose of those amendments to the Income Tax Regulations made by the Treasury decision was to provide guidance to the public to determine whether a particular organization qualifies as a voluntary employees' beneficiary association.

Need for a Correction

As published, the full text of the regulations which were the subject of Treasury Decision 7750 omitted a heading on the final paragraph of the regulations.

Correction of Publication

Accordingly, the publication of the full text of the regulations which were the subject of FR Doc. 80-40835 (46 FR 1719) is amended by the following correction:

Section 1.501(c)(9)-8 (26 CFR Part I), at 46 FR 1725, is corrected by adding a caption to paragraph (e) to read as follows:

§ 1.501(c)(9)-8 Voluntary employees' beneficiary associations; effective date.

* * * * *

(e) *Election.* * * *

George H. Jelly,

Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 81-4985 Filed 2-11-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 4

Service Contract Act; Labor Standards for Federal Service Contracts

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective dates of regulations stayed.

SUMMARY: On January 16, 1981, the Department issued a final rule to take effect on February 17, 1981 revising 29 CFR Part 4, Labor Standards for Federal Service Contracts (46 FR 4320-4378). On January 19, 1981, the Department issued a second final rule regarding the treatment of concession contracts to take effect on February 18, 1981 revising § 4.133 of Part 4 (46 FR 4886). The effective dates of these two regulations are stayed until April 17, 1981 to permit the Department to conduct a regulatory analysis and to review the rules fully before they take effect. It is the Department's intention to repropose appropriate modifications to Part 4 after this is done and to hold public hearings on the proposal.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, NW.,

Washington, D.C. 20210; Telephone: 202–523–8305.

Signed at Washington, D.C., this 29th day of January 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-4943 Filed 2-10-81; 4:00 pm]

BILLING CODE 4510-27-M

29 CFR Part 541

Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity (Including any Employee Employed in the Capacity of Academic Administrative Personnel or Teacher in Elementary or Secondary Schools), or in the Capacity of Outside Salesman."

AGENCY: Wage and Hour Division, Employment Standards Administration, Department of Labor.

ACTION: Effective date of regulation stayed; comment period reopened.

SUMMARY: Final regulations effective February 13, 1981, increasing the salary levels used to determine eligibility for exemption from the minimum wage and overtime compensation provisions of the Fair Labor Standards Act were published in the **Federal Register** of January 13, 1981 (46 FR 3010). The effective date of these regulations is stayed indefinitely. The purpose of this action is to allow the Department to review the rule fully before it takes effect. The comment period is reopened. Pending final determination in this rulemaking, the interim salary tests which became effective April 1, 1975 are continued.

DATES: Effective date: February 12, 1981. Comments are invited from other Federal agencies and the public. They must be received on or before April 6, 1981.

ADDRESS: Send written comments to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S–3502, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523–8305.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., Telephone (202) 523–8305.

Signed at Washington, D.C., this 29th day of January, 1981.

Craig Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-4945 Filed 2-10-81; 4:00 pm]

BILLING CODE 4510-27-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL 1752-3]

40 CFR Parts 6, 52, 56, 162, 230, 403, 413, and 429; Deferral of Effective Dates

AGENCY: Environmental Protection Agency.

ACTION: Notice of deferral of effective dates.

SUMMARY: This notice defers until March 30, 1981, the effective date of all the regulations listed below. This action is taken pursuant to the President's order of January 29, 1981, requiring postponement of the effective date of pending regulations for 60 days.

EFFECTIVE DATE: The new effective date of all the regulations listed below will be March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Faith Halter, Special Assistant to the General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202–755–0709.

SUPPLEMENTARY INFORMATION: The following is a list of all the regulations whose effective date is deferred by this notice.

CFR part affected	FR citation	Subject matter	Old effective date	New effective date
40 CFR 6, Subpart J	46 FR 3364 (1/14/81).	E.O. 12114 Implementation of Procedures Under the National Environmental Policy Act (Assessing the Environmental Effects Abroad of EPA Actions).	Feb. 13, 1981	Mar. 30, 1981.
40 CFR 52.770(c)(19), 52.795(c)	46 FR 8474 (1/27/81).	Clean Air Act. Approval and Promulgation of Implementation Plans: Indiana (Notice of Deficiency).	Feb. 26, 1981	Mar. 30, 1981.
40 CFR 52.770(c)(19), 52.795(c)	46 FR 8473 (1/27/81).	Clean Air Act. Approval and Promulgation of Implementation Plans: Indiana (Disapproval—Jefferson County).	Feb. 26, 1981	Mar. 30, 1981.
40 CFR 52.1870(c)(25), 52.1881 (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8).	46 FR 8481 (1/27/81).	Clean Air Act. Approval and Promulgation of Implementation Plans: Ohio Sulfur Dioxide Control Strategy.	Feb. 26, 1981	Mar. 30, 1981.
40 CFR 52.220 (c)(42)(i)(D), (c)(50)(vii)(A), (c)(51)(xi)(A), (c)(51)(xii)(A), (c)(52)(ii)(B), (c)(52)(x)(A), (c)(58)(ii)(A), (c)(74)(i)(A); 52.271 (b)(3)(i), (b)(4)(i), (b)(4)(ii).	46 FR 8471 (1/27/81).	Clean Air Act. Approval and Promulgation of Implementation Plans: Five Air Pollution Control Districts in the State of California.	Feb. 26, 1981	Mar. 30, 1981.
40 CFR 56	45 FR 85399 (12/24/80).	Clean Air Act. Regional Consistency	Feb. 23, 1981	Mar. 30, 1981.
40 CFR 162.31	46 FR 5696 (1/19/81).	Federal Insecticide, Fungicide and Rodenticide Act. Classification of Uses of Active Ingredients for Restricted Use.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (Mar. 20, 1981).	Mar. 30, 1981.
40 CFR 162.150–162.155	46 FR 2008 (1/7/81).	Federal Insecticide, Fungicide, and Rodenticide Act. State Registration of Pesticides To Meet Local Needs.	No sooner than 60 calendar days of continuous session of current Congress from date of promulgation (Mar. 9, 1981).	Mar. 30, 1981.
40 CFR 230	45 FR 85335 (12/24/80).	Clean Water Act. Guidelines for Specification of Disposal Sites for Dredged or Fill Material.	Mar. 23, 1981	Mar. 30, 1981.
40 CFR 403	46 FR 9404 (1/28/81).	Clean Water Act. General Pretreatment Regulations for New and Existing Sources.	Mar. 13, 1981	Mar. 30, 1981.
40 CFR 413	46 FR 9462 (1/28/81).	Clean Water Act. Effluent Guidelines and Standards; Electroplating Point Source Category; Pretreatment Standards for Existing Sources.	Mar. 16, 1981	Mar. 30, 1981.
40 CFR 429.61, 429.62, 429.151, 429.152	46 FR 8260 (1/26/81).	Clean Water Act. Timber Products Point Source Category; Provisions Establishing Best Practicable and Best Conventional Pollutant Control Technology (BPT and BCT).	Mar. 11, 1981	Mar. 30, 1981.

Issued at Washington, D.C., on February 6, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-5016 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-36-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5804

[ORE 013237]

Oregon; Partial Revocation of Reclamation Project Withdrawal

Correction

In FR Doc. 81-594, published at page 2047, in the issue of Thursday, January 8, 1981 make the following correction in the land description for the **Willamette Meridian:**

On page 2048, first column, third line, following "S½NE¼SW¼," insert "S½, SW¼, SW¼,".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5820

[OR 13498]

Oregon; Withdrawal of National Forest Land for Recreation and Administrative Site

Correction

In FR Doc. 2262, published on page 6947, on Thursday, January 22, 1981, make the following corrections:

(1) In the second column, in the eighth line from the top "Section 205" should be corrected to read "Section 204".

(2) In the second column, under **Willamette Meridian** *"Umpqua National Forest, Cow Creek Recreation and Administrative Site"*, in the second line "Sec. 5, N½NW¼ and N½S½NW¼" should be corrected to read "Sec. 5, N½NW¼ and N½S½NW¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5848

[M-35197]

Montana; Revocation of Public Land Order No. 1258

Corrections

In FR Doc. 81-2491 appearing on page 7347 in the issue for Friday, January 23, 1981, make the following corrections:

On page 7347, in the second column, in the land description for **Principal Meridian, Montana—**

(1) In the second line, "NW¼" should have read "NW¼" in both places.

(2) In the third line, "SE¼" should have read "SE¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5849

[U-47671]

Utah; Revocation of Public Land Order No. 1109

Correction

In FR Doc. 81-2511, published at page 7347, on Friday, January 23, 1981, in the third column, under **"Salt Lake Meridian"** before "Sec. 10, NE¼." insert "T. 2S., R. 3E.,".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5852

[OR-04919]

Oregon; Revocation of Stock Driveway Withdrawal

Correction

In FR Doc. 81-2508 appearing on page 7349 in the issue for Friday, January 23, 1981, make the corrections:

On page 7349, in the middle column, under **"Willamette Meridian"**, please correct the land description as follows:

(1) In the tenth line, "NW¼" should have read "NW¼".

(2) In the eleventh line, "NE¼" and "NW¼" should have read "NE¼" and "NW¼".

(3) In the sixteenth line, "SW¼" should have read "SW¼".

BILLING CODE 1505-01-M

43 CFR Public Land Order 5855

Oregon; Partial Revocation of Public Land Order No. 3869

Correction

In FR Doc. 81-2991, published on page 8520, on Tuesday, January 27, 1981, in the second column, in the seventh line from the bottom, "Sec. 4, S½SW¼SW¼" should be corrected to read "Sec. 4, S½SW¼SW¼".

BILLING CODE 1505-01-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1012

Postponement of Certain Regulations

AGENCY: Community Services Administration.

ACTION: Notice of postponement of effective date of certain agency regulations and correction.

SUMMARY: On January 29, 1981, the President issued a memorandum requesting Federal agencies to postpone for 60 days from that date the effective date of final regulations presently pending. CSA has decided, in keeping with the spirit of that memorandum, to postpone until March 29, 1981, the effective date of its final rule entitled: "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, As Amended, and Executive Order 12250" (46 FR 5620-5631). Accordingly, CSA will be publishing an amendment to this rule reflecting postponement of its effective date from February 18 to March 29. The agency has determined that this rule is the only pending final regulation that will be affected by the January 29 memorandum. This rule also corrects a technical error in Subpart H, § 1012.132. The definition for "existing facility" which would be used in that Subpart only if Subpart G becomes final was erroneously incorporated in § 1012.132.

FOR FURTHER INFORMATION CONTACT: Roger Schwartz, Acting General Counsel, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, (202) 653-7520.

(Sec. 602, 78 Stat. 530 (42 U.S.C. 2942))

William W. Allison,

Acting Director.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the President issued a

memorandum to a number of Federal agencies directing that such agencies postpone for 60 days (from January 29) the effective date of all regulations that had been promulgated in final form and were scheduled to become effective during such 60 day period. The memorandum provided certain exemptions to the general postponement rule. The purpose of the postponement, according to the memorandum, was to provide the new Administration sufficient time to review many of the prior Administration's last-minute decisions that would increase rather than relieve the current burden of restrictive regulation. CSA is not one of the agencies to whom the President's memorandum was addressed. Nonetheless, in keeping with the spirit and tone of the memorandum, CSA has decided to postpone the effective date of pending final regulations which have not yet taken effect, where such regulations appear to be the kind of regulations referred to in the Presidential directive and do not fit into exceptions listed in the directive.

The agency has determined that the only pending regulation fitting the above description is CSA's final rule published on January 19, 1981 (46 FR 5620–5631) entitled "Civil Rights Regulations; Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting From Financial Assistance Provided by CSA; Implementation of Section 504 of the Rehabilitation Act, as Amended, and Executive Order 12250." (45 CFR Part 1012). This regulation is scheduled to become effective on February 18, 1981. CSA will be amending this rule, postponing its effective date to March 29, 1981. The amendment to the rule will also contain changes in deadlines within the rule to correspond with the rule's new effective date.

In FR Doc. 81–1935 published at 46 FR 5620 on January 19, 1981 on page 5630, middle column, § 1012.132 is corrected to read as follows:

1012.132 Defined.

An "existing facility" means a facility or part thereof constructed on or before March 29, 1981, which a grantee uses, leases, owns or otherwise acquires.

[FR Doc. 81–4986 Filed 2–11–81; 8:45 am]

BILLING CODE 6315–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[PR Docket No. 80–9; FCC 81–1]

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations and Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC in response to three rulemaking petitions adopts a Report and Order authorizing the use of radio location tracking devices by Police Radio Service licensees on Public Safety Radio Service frequencies above 30 MHz. These devices which, are low power transmitters with limited modulation capacity and operational capability, are typically used for purposes of covertly tracking a person or an object.

EFFECTIVE DATE: January 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: David A. Hankin or Roger D. Madden Private Radio Bureau (202) 632–6497.

Adopted: January 8, 1981.

Released: January 30, 1981.

By the Commission: Chairman Ferris absent.

In the matter of an amendment of Parts 2 and 90 of the Commission's Rules to authorize the use of low power radio transmiters by Police Radio Service licensees on Public Safety Radio Service frequencies above 30 MHz, PR Docket No. 80–9, report and order.

1. The Commission, during the past few years, received three rulemaking petitions which sought the authorization of radio location tracking devices [1] in the private land mobile radio services. These devices, which are low power transmitters with limited modulation capacity and operational capability, are typically used for purposes of covertly tracking a person or an object.[2]

[1] These devices are also referred to as beepers, miniature tracking devices, and radio direction determination equipment. We recognize that our Notice of Proposed Rule Making, adopted January 16, 1980, referred only to "automatic" radio direction determination equipment. We now refer to such equipment in the generic form so as not to preclude the use of "manual" radio direction determination equipment.

[2] These devices operate in a similar manner to Emergency Position Indicating Radio Beacons (EPIRB's), authorized in the Maritime Radio Services, and Emergency Locator Transmitters (ELT's), authorized in the Aviation Radio Services. The user of these transmitters, however, unlike the beeper transmitter user, desires to have the transmitting pulses discovered by others. Therefore, the EPIRB and ELT signals are transmitted and monitored on "common calling" channels, whereas the miniature tracking device user desires to disguise his tracking operations.

Introduction

2. Gus Manufacturing (GUS) had proposed (RM–2357) to allow police licensees to operate the trailing devices on police frequencies between 154.60 MHz and 159.10 MHz. Audio Intelligence Devices (AID) had proposed (RM–3094) to allow police licensees to operate the devices on any frequency between 136–144 MHz and 148–174 MHz. Wackenhut Electronics had proposed (RM–2314) to permit all eligibles in the private land mobile radio services to use radio direction determination equipment in the guard bands adjacent to the edges of the frequency channels in the frequency range of 27.0 MHz to 36.0 MHz.

3. In our Notice of Proposed Rule Making, released January 15, 1980,[3] the Commission proposed to permit only licensees in the Police Radio Service, to operate low power trailing equipment. This use was proposed on a secondary basis, on any private land mobile radio service frequency in the bands 30–50 MHz, 150–174 MHz, and 450–470 MHz. In addition, we had asked for comments on the use of spread spectrum techniques in any bandwidth where 99% of the energy transmitted by the beeper is contained in one of the authorized bands.

Comments

4. Comments and reply comments were filed by many of the public safety, land transportation, and industrial radio service users and user organizations. In general, the comments supported the use of radio direction determination equipment for purposes of covert monitoring activities.[4] However, a significant number of organizations expressed concerns as to the possible interference effects that these devices could have on the primary frequency users.[5] Some of the land transportation

[3] *Notice of Proposed Rule Making*, PR Docket No. 80–9, adopted January 16, 1980, 45 FR 14902 (March 7, 1980).

[4] The American Museum of Natural History had expressed concerns that their scientific programs involving telemetry techniques will be restricted by this proceeding. It should be noted that such programs are administered under the experimental licensing procedures as set forth in Part V of the FCC Rules and Regulations. These experimental licensing procedures are not affected by any of the rules promulgated herein, and thus, the concerns of the American Museum of Natural History are not applicable to this proceeding.

[5] The American Petroleum Institute, the American Telephone and Telegraph Co., the Association of American Railroads, Forest Industry Telecommunications, National Association of Business and Educational Radio, Inc., National Ski

and industrial service user organizations recommended that the operation of the trailing devices be restricted to the spectrum currently assigned to the Public Safety Radio Services, while others favored allowing covert monitoring operations only on those frequencies assigned to the Police Radio Service.

5. Most parties filing comments were of the opinion that only those eligibles in the Police Radio Service should be permitted to use radio direction determination equipment. The American Trucking Association and Action Investigative Services, however, advocated broadening the proposed eligibility requirements to also include motor carriers and licensed private investigators, respectively. The American Trucking Association indicated that vehicle and cargo theft losses and their associated claims and processing costs run into billions of dollars annually, thus necessitating the use of trailing devices by motor carriers to assist them in preventing such crimes. Action Investigative Services urged the Commission to include licensed private investigators as eligibles because trailing devices are a necessary aid in the performance of their jobs.

6. The use of spread spectrum techniques was supported by Del Norte Technology, Inc., and Hewlett Packard Company. Both of these companies asserted that spread spectrum techniques offer an efficient method of using and re-using the radio spectrum and that spread spectrum applications can co-exist on a non-interfering basis with other users in the private land mobile radio services. The American Telephone and Telegraph Company in opposing the implementation of spread spectrum techniques asserted that the nature of the spread spectrum signal would create interference that would impair the signal to noise performance of the primary users in those bands where such techniques were used. The American Petroleum Institute was of the opinion that the Commission had insufficient technical information to support adoption of any rule change that would permit spread spectrum techniques to be used on a secondary basis in the land mobile radio services.

Decision

7. We have carefully considered the comment and reply comments and have decided to permit eligibles in the Police Radio Service to use radio direction determination equipment. The use of these devices will be permitted, on a secondary basis, on frequencies allocated to the Public Safety Radio Services.[6] In order to maintain a covert atmosphere for the users of these devices we will not require eligibles to receive specific authorization for their use. We have also determined that the implementation of spread spectrum techniques is a feasible method of transmitting beeper signals. In view of the low interference potential of spread spectrum modulation we will permit the use of spread spectrum tracking transmitters in any of the bands allocated to the private land mobile radio services identified in Part 90 of the FCC Rules and Regulations.[7] At this time, however, we do not have sufficient information to adequately determine what should be the appropriate technical standards for the operation of spread spectrum systems. As a result, we will issue a Notice of Inquiry to invite comments on what technical parameters should be set for the implementation of spread spectrum systems in covert trailing operations. Operation of spread spectrum systems will not be permitted until such standards have been determined.

Discussion

8. The issue as to whether the use of beepers is a "search" and thus subject to the Fourth Amendment has received varied treatment in the federal courts.[8] Although there is not judicial harmony over the application of the Fourth Amendment to radio location tracking devices, this fact, does not warrant us denying the operation of these devices. Instead, the Commission in promulgating these rules strongly emphasizes that all eligibles must conform to Federal, State and local laws.

9. The American Trucking Association and Action Investigative Services have requested the use of trailing devices in their activities. The Commission, however, is of the opinion that eligibility to use these devices should not be extended beyond the law enforcement community. Fourth Amendment protections do not extend to private non-governmental parties.[9] As a result, a greater potential for invasions of personal privacy and civil trespass would be promoted by authorizing the use of beepers to non-governmental entities, which we find not to be in the public interest. Therefore, the eligibility requests of the American Trucking Association and Action Investigative Services are denied.

10. Although we have restricted the eligibility for trailing device use to the Police Radio Service, all individuals or entities having a valid law enforcement need for such equipment (motor carriers, security companies, railroad motor carriers, railroad security police, etc.) can, under our rules, coordinate with local law enforcement agencies their use of automatic radio detection equipment and with the concurrence of these law enforcement agencies they may operate such equipment under the authorization issued to the law enforcement agency. This arrangement will still require the law enforcement agency to assume full licensee responsibility for the operation of the trailing device. This permissive arrangement should allow private entities seeking use of beepers, sufficient opportunity and flexibility to adequately satisfy their particular need for these devices.

11. The industrial and land transportation users predicted that their activities would be severely jeopardized if trailing transmitters were allowed to operate on the frequencies currently allocated to their services. We have examined these arguments and have found them to be without merit.[10] Although we do not feel that these devices will present interference problems, we realize that there is little information available concerning their actual operation. As a result, we are restricting the use of discretely channeled [11] miniature tracking devices to only those frequencies allocated to the Public Safety Radio Services [12] until such time as additional information is available. The spectrum allocated to the Public Safety Radio Services will still be

Patrol Syatem, Inc., and Utilities Telecommunications Council all expressed concerns regarding possible interference to primary users.

[6] Of the radio spectrum allocated to the Public Safety Radio Services, 12.555 MHz is considered compatible with automatic radio direction determination equipment. This spectrum consists of 6.06 MHz in the low VHF band, 3.295 in the high VHF band, and 3.20 MHz in the UHF band.

[7] We have carefully reviewed the views of AT&T that this might cause unacceptable interference and conclude that the technical assumptions that lead to their conclusions were unrealistic.

[8] For a more complete discussion as to whether the use of beepers is subject to the Fourth Amendment, see Appendix A.

[9] See *Burdeau* v *McDowell* 256 U.S. 465, 475 (1921); *U.S.* v *Ziperstein* 601 F2d 281, 290 (1979).

[10] For a discussion of the interference arguments asserted by the industrial and land transportation users see Appendix B.

[11] By the term "discretely channeled" we are referring to transmitters which have 99% of their power contained within a bandwidth of 2 kHz and use emission type P0. It should be noted that the emission bandwidth limitation for "discretely channeled" tracking devices specifically excludes spread spectrum approaches. The technical parameters of spread spectrum applications will be the subject of a Notice of Inquiry.

[12] Aside from the Police Radio Service, we did not receive any comments from any of the Public Safety Radio Service users regarding the use of their frequencies for covert trailing operations.

sufficiently broad to insure that trailing operations will not be easily detected.[13]

12. Several commenters expressed concerns as to their ability to identify co-channel licensees and the difficulties they would encounter in tracing these licensees should interference problems arise. In addition, their comments noted the problems associated with disabling an operational trailing device. We believe these factors are of genuine concern. While we do not agree that miniature tracking devices will create destructive interference, there exists a possibility for annoying interference.[14] To ensure that such possible interference is relatively short-term, we will not permit radio direction determination equipment to be operated on the same frequency for a period exceeding ten consecutive days. If the transmitter is operated from an internal power source, such as dry cell batteries, depletion of battery life will be an acceptable method of limiting operational life of the transmitter. The type acceptance procedure for these devices will require information which demonstrates that battery "end of life" occurs within the ten day period. For other configurations, a positive means of disabling the transmitter must be employed.

13. In our Notice of Proposed Rule Making, we identified the technical characteristics of the beeper transmitters.[15] On review of these characteristics, we find that the requirement for maintaining a duration between pulses of at least .85 seconds has no bearing on either the interference potential of the equipment or its performance capabilities. Therefore, this technical provision has been deleted.

14. Also in our Notice of Proposed Rule Making we had proposed a maximum value of 30 mW mean output power and a peak power of one watt for the tracking transmitter. However, it is expected that a number of tracking transmitters will utilize antennas that are permanently attached or have antenna/transmitter combinations that are contained within a sealed package. Such transmitters may use antennas that present less than a 50 ohm load. Such designs could create difficulties in verifying the power specifications of such equipment. Because of this, we have established an alternative method of power measurement based on field strength. Field strength is measured at three meters from the transmitter.This measure was calculated assuming that the transmitter utilized a halfwave dipole antenna ($E=7.02\sqrt{P}/d$ where E is the field strength in V/m, P is the power in watts and d is the distance from the transmitter in meters).

15. Currently there have been no technical standards developed for the design or application of spread spectrum radio equipment to private sector users. Therefore, we will issue a Notice of Inquiry to invite comments on what technical standards are to be implemented for spread spectrum applications. The Notice will address such issues as the bandwidths, the modulation and encoding methods, the output power of the spread spectrum transmitters, and the reduction or prevention of out of channel emissions.

16. Accordingly, It is ordered, pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, §§ 2.106 and 90.19 of the Rules and Regulations are amended as set forth in Appendix C, effective January 30, 1981.

17. It is further ordered that the petitions filed by Gus Manufacturing (RM-2357), Audio Intelligence Devices (RM-3094) and Wackenhut Electronics (RM-2314) are granted to the extent herein indicated and are otherwise denied.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix C. Appendices A, on beeper use, and B, on analysis of interference claims, are not printed herein, but are filed with the original document due to printing costs. This document, in its entirety, may be obtained from the Commission Public Information Office, Room 202 and is available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW, Washington, D.C.

Appendix C

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

Part 90 of the Commission's Rules is amended as follows:

Section 90.19 is amended by adding a new subparagraph (f)(5) to read as follows:

§ 90.19 Police radio service.

* * * * *

(f) * * *

(5) A licensee in the Police Radio Service may use transmitters on the frequencies indicated below in connection with official police activities without specific authorization from the Commission, provided that such use shall be on a secondary basis and shall not cause harmful interference to services of other licensees operating on regularly assigned frequencies, and further provided that all such use complies with the requirements of Federal, State and local laws.

The provisions of § 90.429 of this part shall not apply to transmitters authorized under this subparagraph. To be eligible for operations in this manner, the transmitter must comply with all of the following requirements.

(i) In accordance with § 90.203 of this Part and § 2.803 of Part 2 of this Chapter, the transmitter must be of a type which has been type accepted by the Commission.

(ii) The carrier frequency shall be within the bands of

30.85–30.87 MHz
30.89–30.91 MHz
30.93–30.95 MHz
30.97–30.99 MHz
31.01–31.03 MHz
31.05–31.07 MHz
31.09–31.11 MHz
31.13–31.15 MHz
31.17–31.19 MHz
31.21–31.23 MHz
31.25–31.27 MHz
31.29–31.31 MHz
31.33–31.35 MHz
31.37–31.39 MHz
31.41–31.43 MHz
31.45–31.47 MHz
31.49–31.51 MHz
31.53–31.55 MHz
31.57–31.59 MHz
31.61–31.63 MHz
31.65–31.67 MHz
31.69–31.71 MHz
31.73–31.75 MHz
31.77–31.79 MHz
31.81–31.83 MHz
31.85–31.87 MHz
31.89–31.91 MHz
31.93–31.95 MHz
31.97–32.00 MHz
33.00–33.03 MHz
33.05–33.07 MHz
33.41–34.00 MHz
37.00–37.43 MHz
37.89–38.00 MHz
39.00–40.00 MHz
42.00–42.91 MHz
44.61–45.91 MHz
45.93–45.95 MHz
45.97–45.99 MHz
46.01–46.03 MHz
46.05–46.60 MHz
47.00–47.71 MHz
150.995–151.490 MHz
153.740–154.445 MHz
154.635–155.195 MHz
155.415–156.250 MHz
158.715–159.465 MHz
453.0125–453.9875 MHz

[13] See *supra*, footnote 6.

[14] For a discussion of "destructive" and "annoying" interference see Appendix B.

[15] See *Notice of Proposed Rule Making*, P. 7–8, PR Docket 80–9, adopted January 16, 1980, 45 FR 14902 (March 7, 1980).

458.0125–458.9875 MHz
460.5625–460.5125 MHz
460.5625–460.6375 MHz
462.9375–462.9875 MHz
465.0125–460.5125 MHz
465.5625–465.6375 MHz
467.9375–467.9875 MHz

and must be maintained within 0.005 percent of the frequency of operation. Use on assigned channel center frequencies is not required.

(iii) The emitted signal shall be non-voice modulation (type PO emission).

(iv) The maximum occupied bandwidth, containing 99 percent of the radiated power, shall not exceed 2.0 kHz.

(v) The transmitter output power shall not exceed a mean power of 30 mW nor shall any peak exceed 1 watt peak power, as measured into a 50 ohm resistive load. Should the transmitter be supplied with a permanently attached antenna or should the transmitter and antenna combination be contained in a sealed unit, the following standard may be used in lieu of the above: the field strength of the fundamental signal of the transmitter and antenna combination shall not exceed 0.4 V/m mean or 2.3 V/m peak when measured at a distance of 3 meters.

(vi) The transmitter shall contain positive means to limit the transmission time to no more than 10 days. In the event of a malfunction of this positive means, the transmitter signal shall cease. The use of battery life to accomplish the transmission time limitation is permissible.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Part 2 of the rules is amended as follows.

Section 2.106 is amended by the addition of new footnote NG***

BILLING CODE 6712-01-M

§ 2.106 Table of frequency allocations.

Worldwide		Region 2		United States		Federal Communications Commission					
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services	
1	2	3	4	5	6	7	8	9	10	11	
***											
30.01-37.75	FIXED. (228) (229) (230) (231) MOBILE. (232A)										
				30.56-32	NG. (NG***)	30.56-32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY.	
				32-33 (231)	G.						
				33-34	NG. (NG***)	33-33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.	
						33.01-33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
						33.11-33.41	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
						33.41-34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
				34-35 (231)	G.						
				35-36	NG. (NG***)	35-35.19	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
						35.19-35.69	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. INDUSTRIAL. PUBLIC SAFETY.	
						35.69-36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
				36-37 (US 220) (231)	G. (US220)						
				37-38	NG. (NG***)	37-37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.	
						37.01-37.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
37.75-38.25	FIXED. (228) (229) (231) MOBILE. Radio astronomy. (233B)					37.43-37.89	LAND MOBILE. (NG50)	Base. Land mobile.		INDUSTRIAL.	
						37.89-38	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	
38.25-41 (235) (236) (236A)	FIXED. (228) (229) (230) (231) MOBILE.			38-39	G. (US81)						
				39-40	NG. (US94)	39-40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.	

§ 2.106

§ 2.106 Table of Frequency Allocations—Continued

	Worldwide	Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
				***	***					
41–50		41–50	FIXED. (228) (231) (237) MOBILE. (232A) (236A)	42–42.5	NG. (NG***)	42–42.96	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						42.96–43.19	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						43.19–43.69	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. INDUSTRIAL. PUBLIC SAFETY.
						43.69–44.61	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						44.61–45.5	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				45.5–47	G.					
				47–49.5	NG. (NG***)	47–47.43	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						47.43–47.69	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY. INDUSTRIAL.
						47.69–49.5	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				49.5–50	G.					
50–54		50–54	AMATEUR.	50–54	AMATEUR. (US1)	50–54	AMATEUR.	Amateur.		AMATEUR.

Worldwide		Region 2		United States		Federal Communications Commission					
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services	
1	2	3	4	5	6	7	8	9	10	11	
160.05–174		160.05–174	FIXED. MOBILE.	160.05–160.8	G. (US216)						
				160.8–167.0375	NG. (US216) (NG***)	160.8–160.98	LAND MOBILE. (NG112)	Base. Land mobile.		LAND TRANSPORTATION. (NG61).	
						160.98–161.4625	LAND MOBILE. (NG112)	Base. Land Mobile.		PUBLIC SAFETY (NG51).	
						161.4625–161.4975	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL & PUBLIC SAFETY (NG61).	
						161.4975–162	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL.	
						162–162.256	LAND MOBILE.	Base. Land mobile.		DOMESTIC-PUBLIC.	
						162.256–162.456	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG38) (NG116)	
						162.456–162.493	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG116)	
						162.493–162.855	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG4)	
						162.855–163.7325	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG4)	
						163.7325–164.0625	LAND MOBILE.	Base. Land Mobile. Fixed.	164.2	INDUSTRIAL, PUBLIC SAFETY (NG26) (NG57) (Earth Telecommand).	
						164.0625–164.5375	LAND MOBILE.	Base. Land Mobile.		Industrial.	
						164.5375–166.25	LAND MOBILE. (NG117)	Base. Land mobile.		PUBLIC SAFETY.	

***

§ 2.106 Table of Frequency Allocations—Continued

150.05–174 cont.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
				157.0375–157.1875 (US214)	G.				157.100	US Coast Guard Liaison Frequency.
(287A)		(287A)		157.1875–162.0125 (NG***)	NG. (US77) (US200) (NG111) (US 222)	157.1875–157.450	MARITIME MOBILE. (NG9)	Ship.	157.200 157.225 157.250 157.275 157.300 157.325 157.350 157.375 157.400 157.425	MARITIME MOBILE. Do. Do. Do. Do. Do. Do. Do. Do. Do.
						157.45–157.725	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG9) (NG38) (NG116)
						157.725–157.755	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG116)
						157.755–158.115	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						158.115–158.475	LAND MOBILE. (NG112)	Base. Land mobile.		INDUSTRIAL.
						158.475–158.715	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						58.715–159.45	LAND MOBILE. (NG112)	Base. Land mobile.		PUBLIC SAFETY. (NG70)
						159.45–161.575	LAND MOBILE. (NG112)	Base. Land mobile.		LAND TRANSPORTATION. (NG9) (NG38) (NG38) (NG70)
						***				
						173.2–173.4	Fixed. Land mobile. (NG***)	Base. Fixed mobile.		PUBLIC SAFETY. INDUSTRIAL.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
450-460 (318) (318B) (318C) (319A)	FIXED. MOBILE.			450-470	NG (US87) (US100) (US201) (US209) (US216) (NG***)	450-451	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						451-454 (NG 112)	LAND MOBILE.	Base. Land Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						454-455	LAND MOBILE. NG112	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
						455-456	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
						456-459	LAND MOBILE. (NG112)	Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						459-460	LAND MOBILE. (NG112)	Base. Land mobile.		DOMESTIC PUBLIC. (NG12)
460-470 (324B)	FIXED. MOBILE. Meteorological-Satellite (Space-to-earth). (318A)				(US 100) (US 201) (US209) (NG***)	460-462.5375	LAND MOBILE.	Base. Land Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						462.5375-462.7375	LAND MOBILE.	Base. Land Mobile.		PERSONAL.
						462.7375-465.0125	LAND MOBILE.	Base. Land Mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						465.0125-467.5375	LAND MOBILE.	Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
						467.5375-467.7375	LAND MOBILE.	Land mobile.		PERSONAL.
						467.7375-470	LAND MOBILE.	Land mobile.		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.

See footnotes at end of table.

NG*** In the Public Safety Radio Service allocations within the bands 30-50 MHz, 150-174 MHz, and 450-470 MHz, Police Radio Service licensees are authorized to operate low powered radio transmitters on a secondary, non-interference basis in accordance with the provisions of §§2.803 and 90.19(f)(5) of the rules.

(Ed. 8/78)

§ 2.106

[FR Doc. 81-4985 Filed 2-11-81; 8:45 am]
BILLING CODE 6712-01-C

47 CFR Part 73

[Docket No. 21473; FCC 81-45]

AM Broadcast Stations; Conversion of Radiation Patterns

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The computation of interference and coverage of AM broadcast stations is complex, partly because of the use of measured patterns which are not easily computerized. In this Report and Order, the Commission adopts rules to replace the use of measured patterns with "standard patterns." The "standard patterns" are easily automated. The new rules and the guidelines for conversion from measured patterns to "standard patterns" are discussed.

EFFECTIVE DATE: Amendments to Rules effective March 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Boursy, Broadcast Bureau, (202) 632-6485.

Adopted: January 29, 1981.

Released: February 9, 1981.

By the Commission: Commissioners Ferris, Chairman, and Brown not participating; Commissioner Quello concurring in the result.

In the matter of amendment of the rules governing the conversion of radiation patterns for AM broadcast stations; Docket No. 21473; Report and Order (Proceeding Terminated).

1. The Commission has before it the comments and reply comments responding to our recent *Notice of Proposed Rulemaking* (*NPRM*), FCC 80-538, 45 FR 63516, in which we proposed the adoption of Rules leading to the conversion of all directional AM broadcast stations to standard patterns. This proceeding began with our *Notice of Inquiry* (*NOI*), 66 FCC 2d 901 (1977). At the present time, most of the AM patterns are under the old system of theoretical patterns, measured patterns, and MEOV (Maximum Expected Operating Values). The Rules requiring the use of standard patterns for new stations and for major changes apply only to stations making application since 1971. *Report and Order in Docket No. 16222*, 27 FCC 2d 77, 20 RR 2d 1745 (1971). Currently, applicants for minor changes use the standard pattern only if they wish, with the majority continuing the use of the older types of pattern.

2. The theoretical patterns depict the radiation pattern that would occur if the station were operating under ideal circumstances. However, since such a situation does not actually occur in nature, applicants proposing theoretical patterns also propose MEOV. The MEOV are chosen based on the consulting engineer's experience and engineering judgment, and are designed to predict the actual maximum deviations from the ideal. After construction of the station, an r.f. proof of performance is made, in which the actual pattern of the station is measured and plotted. The measured values must be within the MEOV. Under the existing system, measured values are used in allocation studies involving domestic stations while the theoretical values and MEOV are used in allocation studies involving foreign stations. Such allocation studies are tedious because of the manual adjustments that must be made to computerized calculations to consider the measured patterns and the MEOV. Since we wish to take advantage of the available technology by automating our processing as much as possible, and since there is no easy way to define the measured pattern or the MEOV with an equation which could be entered into a computer, we have concluded that the increased use of automation requires that we convert the existing stations to standard patterns. Accordingly, we issued the *NPRM* in this proceeding to examine the possibility of converting the remaining stations to standard patterns.

3. The deadline for filing comments was November 17, 1980, and the deadline for filing reply comments was December 2, 1980. Comments were filed by the following parties:

News-Press Publishing Co.
S&S Broadcasting Co.
Association for Broadcast Engineering Standards (ABES)
A.D. Ring & Associates
William G. Ball
American Broadcasting Companies, Inc. (ABC)
KFAB Broadcasting Co.
Jefferson-Pilot Broadcasting Co.
Southern Broadcasting Co.
Association of Federal Communications Consulting Engineers (AFCCE)
Great Trails Broadcasting Corporation
WJAC, Inc.

Reply comments were filed by:

Nationwide Communications, Inc.
A.D. Ring & Associates
Westinghouse Broadcasting Co., Inc. (Group W)
American Broadcasting Companies, Inc. (ABC)
General Electric Broadcasting Co., Inc. (GEBCO)
McKenna, Wilkinson & Kittner (MWK)
Clear Channel Broadcasting Service (CCBS)
Scripps-Howard Broadcasting Co.

4. Mr. Ball wishes to make clear that he commented on his own behalf, and not on behalf of his firm. In its comments, Ring also incorporated by reference its comments in the engineering statement which it prepared as a part of the comments submitted by Jefferson-Pilot. McKenna, Wilkinson & Kittner submitted its reply comments on behalf of its AM radio broadcast licensee clients. The comments submitted by AFCCE and Great Trails were late, but since they were submitted by the deadline for filing reply comments, we will accept them. The comments submitted by WJAC were not submitted until December 9, 1980, a week after the deadline for filing reply comments. The reply comments submitted by Scripps-Howard were not submitted until December 5, 1980, three days after the deadline for filing reply comments. For the most part, the WJAC comments and Scripps-Howard reply comments contained much the same discussion as some of the other comments and reply comments, although there were differences in the specifics. Accordingly, we see no extra burden in considering them. Therefore, we will accept them.

5. We wish to thank those who took the time and effort to prepare the comments and reply comments on such short notice. We have analyzed them carefully and found them to be extremely helpful. Rather than discuss them at this point, we find it more appropriate to incorporate them into our discussion as we proceed. Many areas mentioned in the *NPRM* were not addressed in the comments. Except for those few instances which we will raise on our own, we will not repeat the discussion of these items, but rather will simply adopt them as proposed.

6. As mentioned in the *NPRM*, severe time constraints are imposed upon us by the need to be prepared for the Second Session of the Region 2 MF Broadcasting Conference to be held in November and December 1981. Currently, only theoretical patters, *without* MEOV, are in the inventory of U.S. stations sent to the International Frequency Registration Board (IFRB) because the notification format makes no provision for MEOV, and manual calculations based upon plotted patterns are impractical on a region-wide basis. To retain the radiation rights which our stations now have under existing sub-regional agreements in those cases where notified MEOV and/or measured values exceed the theoretical values, we hope to notify standard patterns (with any necessary augmentation) to IFRB in time for IFRB to conduct its studies prior to

the beginning of the Second Session. However, this requires that the conversion to standard patterns be completed by the end of May 1981. Most of the parties commenting recognized these time constraints. There was also general agreement that the conversion should ensure that existing protection and radiation rights not be jeopardized, and that changes in the operation of stations not be required.

7. In paragraph 7 of the *NPRM*, we discussed two possible methods of conversion of Class I and II stations where conversion to the basic standard pattern would result in a paper infringement of the secondary service area of Class I stations. Our alternatives were:

a. Convert the Class I and II stations without regard to whether there is a theoretical increase in "interference," or

b. In those cases where the standard pattern radiation exceeds the MEOV and the measured radiation in the direction towards a Class I station's skywave service area, require the Class I or Class II station to convert to a different standard pattern which would not increase the radiation beyond that now authorized. This might be accomplished by the use of a lower Q or by negative augmentation or both.

Under either alternative, we envisioned the use of the converted pattern in both allocation studies and the subsequent proof-of-performance process.

8. Jefferson-Pilot, Ring, and AFCCE present a different approach, commenting that we should convert all stations to only the basic standard pattern, without any augmentation, and that this basic standard pattern should be used for allocation purposes only. Class II stations which now do not have standard patterns would continue, in the proof-of-performance process, to be restricted in the direction towards the secondary service areas of Class I stations to the values to which they are now restricted, even if the standard pattern values are greater. This position is basically the same position that Ring took in its comments in the original rulemaking (Docket No. 16222) in which the standard pattern was adopted.

9. Ring advances four reasons for its objection to the use of complex mathematical attempts to synthesize an augmented pattern:

1. As shown by the Commission's study in the Appendix to the *NOI*, the values obtained with the basic standard pattern are quite close to the values obtained with the use of measured patterns. The differences, says Ring, quoting the *NOI*, are imperceptible.

2. The standard pattern, without either augmentation or a reduced Q, has a greater chance for international acceptance, apparently because it is simpler.

3. Conversion to a standard pattern is helpful even if it is used only as an allocations tool, and even if the limits on adjustments of the actual operation are different from the standard pattern values.

4. The Commission is laboring under a false assumption that the use of measured values of radiation are necessarily more accurate than the standard pattern values. For example, the field strength meters are generally accurate to no more than (plus or minus) five percent, the propagation curves are inaccurate, the analysis of measurement data is not perfect, and the "smoothing-in" of measured patterns between measured radials will vary with the draftsman.

AFCCE also notes rough approximations in our allocation methods, and goes on to say that conversion would be quick and inexpensive because it would only be necessary to apply the standard pattern equation to existing directional antenna parameters. These minor changes in computer programs could, we believe, be accomplished with perhaps an hour or two of effort.

10. Under the proposal advanced by Jefferson-Pilot, Ring, and AFCCE, grants of applications for changes in Class II stations would continue the restrictions on radiation which are now entered on the construction permit, even if the standard pattern values are greater, except when the use of the standard pattern values does not cause new or additional interference to a Class I station. At the time of construction, the station would have to adjust to the standard pattern value, or the construction permit limit, if the construction permit limit is lower than the standard pattern. Ring goes further to suggest that, if a measured value is greater than the limit, and it cannot be reduced by adjustments, then the permittee would file a request for waiver, including a showing of the interference which would be created by the actual measured value. The Commission would routinely permit measured values of something on the order of 0.5 dB or 1.0 dB greater than the limit. These values were chosen, says Ring, because they are essentially the values that we have sanctioned in the conversion that is the subject of this proceeding. Measured radiations would not be used in allocation, even if the measured values exceed the standard pattern values. In its reply comments, Ring modifies its proposal slightly to provide for use of a reduced Q and/or theoretical RMS (pattern size) for those stations which must provide wide-angle protection to skywave service areas. In these cases, Ring proposes that we accept the fact that the allocation of a facility with a particular pattern and power will cause a certain amount of interference to other stations. Therefore, when there is a deep suppression in an angular sector of 20 degrees or more, Ring proposes that the average radiation over the sector not exceed the standard pattern value (computed with a reduced Q and/or lower theoretical RMS, if necessary), and that the maximum excursion for any measured radial shall not exceed the standard pattern value by more than 3 dB. AFCCE, on the other hand, would permit augmentation to be used by applicants proposing changes after the conversion.

11. CCBS was the only party to submit an engineering study of the impact of conversion on Class I stations. Because the short period for comments and reply comments precluded a complete study, CCBS studied one case which it considered typical. KRVN, Lexington, Nebraska, 880 kHz, is a Class II–A station operating co-channel with Class I–A station WCBS, New York, New York. Based on the KRVN MEOV, KRVN does not cause interference within the 0.5 mV/m–50 percent shywave contour of WCBS. However, on the site-to-site bearing, the KRVN basic standard pattern radiation (without augmentation or a reduced Q) would cause interference within the WCBS 0.5 mV/m–50 percent contour up to the 0.7 mV/m–50 percent contour. The WCBS service area in this direction would be reduced from 780 miles to 640 miles. CCBS, expects that a study of the other Class II–A stations would reveal similar results; we agree.

12. CCBS also points out that, on the Class I–B channels, more than one station would convert to standard patterns. Not only would each station possibly infringe on the secondary service area of the Class I–B station, but there would possibly be a cumulative impact as well.

13. Therefore, CCBS proposes that we adopt what is, in effect, the proposal by Jefferson-Pilot, Ring, and AFCCE. If that is not possible, CCBS asks that we adopt our alternative b, in paragraph 7, above, requiring the use of a reduced Q and/or augmentation to avoid increasing radiation, on paper, towards the skywave service areas of the Class I stations.

14. In its reply comments, ABC takes issue with Ring's proposal, noting that it would continue to embody a dual-

pattern concept which is contrary to the purpose of conversion. (See our *Further Notice of Proposed Rulemaking in Docket No. 16222*, 34 FR 18942 at para. 66 (1969).) ABC also notes that use of a standard pattern for allocation purposes only would mean that a station, with more restrictive limits on adjustments than depicted by the standard pattern would be afforded protection outside of their actual service areas, possibly precluding new stations. ABC also raises several unanswered questions concerning Ring's proposal. Finally, ABC states that it is not convinced by Ring's arguments that an essentially theoretical representation is necessarily more correct than a statistically good measurement of fact.

15. We have considered the alternative proposals advanced by Jefferson-Pilot, Ring, AFCCE, and CCBS, and have concluded that they are not acceptable. We base our determination on both international and domestic considerations.

16. We assume that the proposed Region 2 agreement will include essentially the same interference criteria that are included in the *Report of the First Session*. (A copy of the *Report* appears as Appendix I to the *Further Notice of Proposed Rulemaking in BC Docket No. 79-166*, FCC 80-622, released November 25, 1980.) The *Report* defines three classes of station for Region 2 purposes. Class "A" is one of the newly defined Region 2 classes. In the inventory which the U.S. sent to the IFRB, we specified all of the U.S. Class I stations, plus two Class II stations in Alaska, as Class A stations. U.S. Class A stations will be protected in a manner which is different from that in our present Rules, the North American Regional Broadcasting Agreement (NARBA), and the "Agreement Between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcasting Band (535-1605 kHz)" (Mexican Agreement). Under the proposed standards, U.S. Class A stations are protected by certain countries (including some of our geographically close neighbors such as Cuba) by the use of RSS calculations on the 0.5 mV/m-50 percent contours. See paragraph 2.3.3.2 of the *Report*. The RSS calculations will incude U.S. Class I and Class II stations with the patterns which are in the inventory sent to the IFRB. If we adopt this proposal and notify only the basic standard pattern without augmentation, then the values used in computing nighttime limitations from U.S. Class I and II stations will be inflated beyond the actual values. With higher limitations from U.S. stations, the RSS at points on a Class A station's 0.5 mV/m-50 percent contour will be higher, thereby allowing stations from certain foreign countries to radiate more towards the secondary service area of a Class A station than would be permitted if we had used negative augmentation or a reduced Q in computing the patterns for U.S. Class I and Class II stations. We believe that full protection of the secondary service areas of our Class A stations in the international arena requires that we use negative augmentation, or a reduced Q, to reduce the calculated radiation to values which more accurately depict adjusted values of radiation. This reasoning leads us to choose our alternative b, rather than alternative a or the modifications suggested in the comments.

17. From a purely domestic standpoint, there is an additional reason why the proposals of Jefferson-Pilot, Ring, and CCBS are unacceptable. The "dual-pattern" approach inherent in those proposals could result in increased interference to the nighttime groundwave service areas of Class I stations. In areas not engulfed by its 0.5 mV/m-50 percent skywave contour, the nighttime groundwave 0.5 mV/m contour of a Class I station is protected on an RSS basis. If the RSS (based on the basic standard pattern, without augmentation or a reduced Q) is less than 0.5 mV/m, a co-channel station applying for a change in facilities could be granted an increase in its adjustment tolerance (MEOV) which would raised the RSS to 0.5 mV/m. However, after grant, the newly granted MEOV would no longer be used in computing the RSS; only the standard pattern value would be used. Thus, any station subsequently proposing a similar increase in its radiation toward the Class I station's primary service area would be permitted a larger increase than would otherwise prevail under a single pattern system. Each successive application could add to the cumulative degradation of the Class I station's primary service area, while calculations pursuant to these proposals would reveal apparently adequate protection, thus masking the actual interference.

18. Also, under these proposals, applications for changes by stations which are on U.S. clear channels would have to be prepared and studied using the present manual methods. While it is true that the calculation of the location of the protected 0.5 mV/m-50 percent contour would be automated, calculation of the allowable horizontal plane radiation from an applicant co-channel Class I or Class II station would continue to require manual calculations and engineering judgment. And the most difficult applications to study manually are those involving protection of a Class I station's secondary service area. Since it is precisely these manual studies which we are trying to eliminate, we find that these proposals are not acceptable because they would continue many of the presently burdensome manual studies, thus failing to achieve the full level of automation potential we are seeking in this proceeding.

19. Some of the comments were written as though only Class II stations would be required to use negative augmentation and/or a reduced Q to protect the secondary service areas of Class I stations. We believe that the Class I stations must also use a reduced Q and/or negative augmentation, if necessary, to protect the secondary service area of another, co-channel Class I station. Consider, for example, the two Class I-B stations on 1090 kHz. The 0.025 mV/m-10 percent contour of KAAY, Little Rock, Arkansas, "kisses" the 0.5 mV/m-50 percent contour of WBAL, Baltimore, Maryland, for several hundred miles, and vice-versa. Conversion of both KAAY and WBAL to standard patterns without negative augmentation and/or a reduced Q would result in significant paper increases in mutual interference. Accordingly, the Rules we adopt today regarding protection of Class I stations apply to Class I as well as Class II stations.

20. The proposal by Ring and AFCCE concerning the use of the basic standard pattern, discussed above, does not apply only to Class II stations. They also propose that Class III stations be converted to simply the basic standard pattern, without the use of negative augmentation and/or a reduced Q. Furthermore, the basic standard pattern would be used only for allocation purposes, and not in the proof-of-performance process. AFCCE would continue the present limitations on the authorizations of the Class III stations. Ring, on the other hand, would restrict the actual adjustment of Class III stations to the basic standard pattern values, allowing the same types of tolerance (0.5 dB or 1.0 dB). Taking a different approach, ABES suggests that use of negative augmentation or a reduced Q may be appropriate for Class III stations as well as those on the clear channels.

21. One of the reasons that we are so concerned with the standard pattern (as augmented) encompassing the actual, measured pattern is because of our present and proposed international

agreements. Although these agreements deal with frequency, channel spacing, protected service areas, etc., the bottom line of any such agreement is radiation rights or limits. If we were to permit stations to radiate, in fact, more than is permitted pursuant to an agreement, then we have struck at the heart of the agreement. Detailed studies and extensive negotiations with other countries lead to the limits on radiation. We cannot reach an agreement and then permit stations to radiate more than the values which were agreed upon in our negotiations. To do so would be a violation of both the letter and the spirit of the agreement. CCBS comments that concerns such as these are valid only if other countries also agree to restrict the actual radiation from their stations to the values which are used in the studies and the negotiations. Otherwise, says CCBS, U.S. stations with standard patterns will provide more protection to foreign stations than they receive from foreign stations. CCBS did not discuss the minor, but nonetheless important, point that the protected service areas of U.S. stations are increased by use of the standard pattern.

22. Great Trails notes that the measured pattern of its station, WCII, Louisville, Kentucky, 1080 kHz, exceeds the basic standard pattern, and that if a non-augmented pattern superseded the currently authorized pattern, then WCII could not conform to our Rules. Moreover, the international implications are perceived by Great Trails to be significant, particularly if the channel spacing is shifted to 9 kHz from the present 10 kHz. Readjustments (if a shift to 9 kHz spacing is required) and the potential for power increases require the use of augmentation to retain the presently authorized radiation limits and to maintain maximum flexibility. It also points out that there are many other stations, in addition to WCII, which fall into this category. WJAC makes similar comments.

23. Nationwide, in its reply comments, continues this argument, particularly with regard to the international implications. Nationwide, the licensee of WLEE, Richmond, Virginia, 1480 kHz, and WGAR, Cleveland, Ohio, 1220 kHz, notes that it wishes to increase the power of WLEE above its present five kilowatts, should the Region 2 agreement and the implementing amendments to our Rules permit such an increase. To preserve the flexibility for the potential power increase, WLEE wishes to retain the presently authorized radiation values in the form of an augmented standard pattern. Paragraph B(2)(f) of Annex II of the Mexican Agreement provides that WGAR not increase its radiation over the current value in the arc from 193 degrees true to 264 degrees true. Conversion to the basic standard pattern would, according to Nationwide, reduce the WGAR radiation in this arc, thus losing current internationally recognized radiation rights. Recent power line construction makes it essential that WGAR retain its present flexibility in adjusting its pattern, argues Nationwide. Scripps-Howard echoes these comments with respect to its stations, WMC, Memphis, Tennessee, 790 kHz; and WNOX, Knoxville, Tennessee, 990 kHz.

24. After giving a great deal of thought to the alternative proposals presented in the comments, we conclude that we must remain with our original proposal. Ring's proposal does not provide an acceptable method of dealing with those stations whose existing measured patterns exceed the basic standard pattern by more than 0.5 dB or 1.0 dB. And it would apparently lead to the need for augmentation analysis, in any event, for those stations whose measured patterns exceed the basic standard pattern by more than 1.0 dB, assuming that we honor our desire to avoid readjustments of directional antennas as part of this proceeding. Ring suggests the use of a waiver process in these cases. However, that only adds complexity and delay to the final licensing process, adding further burdens to the Commission staff where speed, automation, and a reduction in manual processing are our goals. Furthermore, with augmentation, it is less likely that the measured values will exceed authorized values. Similarly, the AFCCE proposal does not provide an acceptable method of dealing with those stations whose existing measured patterns exceed the basic standard pattern by any amount. Moreover, neither provides a means by which MEOV in excess of the basic standard pattern can be retained internationally. Also, the use of a tolerance of 0.5 dB or 1.0 dB (or even 3.0 dB in the case of protection of Class I stations) is tantamount to changing the value of 1.05 in the standard pattern formula, to 1.18, for example, if a 1.0 dB tolerance is allowed. It must be remembered that the basic standard pattern formula already includes a five percent tolerance plus the value of Q added in quadrature. We see no need to add a tolerance to a tolerance, which would result in an actual tolerance of 18 percent, in the case of 1.0 dB. Also, with the use of a 3.0 dB tolerance over arcs of 20 degrees or more, as proposed by Ring for certain stations, we see an added element of complexity, not a reduction of complexity. The Ring method also masks interference. We previously discussed how the dual-pattern approach not only allows cumulative increases in interference to the nighttime 0.5 mV/m primary groundwave service area of a Class I station, but also shows no apparent degradation. An analogous analysis would lead to a similar conclusion in the case of a Class II or Class III–A station with an RSS below 2.5 mV/m or a Class III–B station with an RSS below 4.0 mV/m. Finally, both methods would lead to violations of both our present and proposed international agreements if the measured values exceeded the basic standard pattern. We will not adopt rules which will lead to certain violations of our present and proposed international agreements.

25. With regard to the ABES proposal for use of a reduced Q and/or negative augmentation for Class III stations, we first note that the suggestion was not supporting by any studies showing the need for such additional compensation. Indeed, our study in the Appendix to the *NOI, supra*, showed relatively small changes as a result of conversion of Class III stations. Accordingly, we conclude that negative augmentation and/or a reduced Q should not be used in converting Class III stations, except when required by international considerations. The distinction between the method of handling Class III stations and those on the clear channels relates to the different methods of protection. The change in service area of a Class I station as a result of an increase in radiation towards the Class I station's secondary service area is greater than the change in service area of a Class II or Class III station as a result of the same increase in radiation. This is because the Class I station has a skywave service area protected on a single signal basis while a Class II or Class III station has a groundwave service area protected on an RSS basis.

26. The conversion to the standard pattern would begin by use of the existing theoretical RMS to determine the size of the pattern. Contrary to the statements by S&S, the theoretical RMS would not normally correspond to the RMS achieved with an assumed loss resistance of one ohm per tower. However, we did discuss the possibility of reducing the theoretical RMS for those stations where it appears to be unrealistically high. See paragraphs 24 and 25 of the *NPRM*. Specifically, we proposed that the theoretical RMS used with the standard pattern be restricted

so that it is no greater than 3.9 percent more than the no loss or one-ohm-loss RMS for stations with nominal powers of five kilowatts or less, and no greater than 2.6 percent more than the no loss or one-ohm-loss RMS for stations with nominal powers above five kilowatts.

27. ABES supports the general concept of restricting the RMS in those cases where it is unreasonably high, but did not comment on the specifics. Mr. Bell favors the required reduction in RMS if the r.f. proof of performance is more than 10 years old, or if it does not include non-directional measurements with sufficient close-in points. However, he would allow three to five years for the station to submit a new proof to recapture the higher RMS. ABC suggests that some stations have an efficiency which is higher than predicted, noting that two of its stations have recent proofs showing higher RMS than predicted. ABC also points out that the older proofs for these stations indicate higher RMS. Therefore, in those cases where the theoretical RMS is greater than the measured RMS, ABC would use the greater of the measured and the one-ohm loss RMS. But if the measured RMS is greater than the theoretical RMS, or the one-ohm-loss RMS, ABC would evaluate the proof. If the proof were made within the last 10 years, ABC would retain the RMS in the proof. However, if the proof were over 10 years old, ABC would reduce the RMS to the lesser of the one-ohm-loss RMS and the theoretical RMS. KFAB is concerned about the impact of reducing the RMS of its station, KFAB, Omaha, Nebraska, 1110 kHz, since its measured RMS is greater than the no-loss RMS. Therefore, says KFAB, it would have to augment over the entire main lobe to retain the measured and notified values of radiation. Group W is concerned about one of its stations, WINS, New York, New York, 1010 kHz. Its theoretical, notified RMS is greater than would be permitted under our proposal. Therefore, augmentation would have to be applied in its major lobe. Jefferson-Pilot (and Ring via its incorpation by reference) suggests that taller towers have an actual efficiency which is higher than predicted because of the lower propagation velocity in the towers. When the propagation velocity is properly considered, says Jefferson-Pilot, the measured pattern would fit within the standard pattern. Jefferson-Pilot suggests that we modify our Rules to take account of the differences in propagation velocity and its impact on tall towers. In its reply comments, Ring specifically requests that we modify the formulas in proposed Section 73.160 to take account of a standard propagation velocity equal to 93 percent of the speed of light. News-Press, licensee of KTMS, Santa Barbara, California, 1250 kHz, also points out that a velocity factor should be considered, although News-Press indicates that it could be as low as 0.87.

28. We have analyzed the comments, particularly those dealing with the differences in propagation velocity, and have concluded that additional study is required. We would like to issue a *Further Notice of Proposed Rulemaking* to examine this issue in more detail so that we might reach a decision prior to the conversion. However, in view of the international time constraints involving our preparation for the Second Session, we do not have that luxury. The international time constraints also preclude implementation of Mr. Ball's proposal to allow three to five years to recapture a higher RMS. Therefore, we will convert the stations to standard patterns using the authorized theoretical RMS, and we will not pursue the matter of reducing excessively high RMS values in this proceeding. Also, we will adopt the formulas in § 73.160 as proposed. Special cases can be handled pursuant to § 73.160(c). We intend to revisit this issue in a separate proceeding, however, when time permits.

29. Group W, with respect to WINS, presents the situaiton where the MEOV specified on the construction permit is greater, at a particular azimuth, than the MEOV (if any) on the actual plotted pattern authorized by that construction permit. In these cases, the greater value will control, and should be used in developing augmentation parameters. However, when the MEOV on the construction permit is specified only at an individual azimuth, it would appear that the augmentation would be an infinitely thin spike. Since that, of course, is unreasonable, we will adopt our proposal that a span of 10 degrees be used in these circumstances. Indeed, we believe that a span with a minimum of 10 degrees should be used in all cases.

30. Scripps-Howard is concerned that the conversion will not take into account the outstanding construction permit for WMC. That construction permit involves only changes in MEOV, and Scripps-Howard wants to ensure that the MEOV on the permit are not overlooked. They will not be. The conversion will be performed separately for each existing or proposed operation. The conversion of a station's daytime licensed operation, for example, will be independent of the conversion of its daytime construction permit operation. There will be no attempts during the conversion to combine a licensed and construction permit operation into a single operation. It should be noted, however, that the conversion for a licensed operation will consider the construction permit limits associated with that license; these limits are different than those on the outstanding construction permit.

32. In paragraph 11 of the *NPRM*, we discussed the effect of conversion on certain Class III stations. These stations, which operate with a nighttime nominal power of one kilowatt, could be changed from Class III–A to Class III–B stations, or vice-versa, if the RSS moves above or below 2.5 mV/m as a result of the conversion. A Class III–A station may have its RSS raised no higher than 2.5 mV/m, while a Class III–B station may have its RSS raised to as much as 4.0 mV/m. (A Class III station with an existing RSS higher than 2.5 mV/m or 4.0 mV/m, depending on whether it is a Class III–A or Class III–B station, is protected against any increases in RSS.) The determination of whether a station is a Class III–A station or a Class III–B station depends on whether its RSS is above or below 2.5 a mV/m. Our proposed Rules would simply redefine all Class III stations with a nighttime power of one kilowatt to be Class III–A stations. This would provide additional protection to those stations which are currently Class III–B stations with an RSS between 2.5 mV/m and 4.0 mV/m, but would not affect any other stations.

32. ABES agrees with our proposal, while ABC agrees with the proposal made by Kenneth Williams in his comments in response to our *Notice of Inquiry* in this proceeding. As discussed in paragraph 11 of the *NPRM*, Mr. Williams, and now ABC, prefer that we determine whether a particular Class III station is presently a Class III–A or a Class III–B station. This determination would become a part of its license, and the RSS of the station after conversion would be irrelevant to its class. ABC suggests that calculation of the RSS for the affected stations would not be time-consuming, and also suggests that the licensees may be willing to assist with the calculations, providing that the Commission cooperate by making recently filed night studies and current measured patterns somewhat more easily available than they presently are. GEBCO and MWK both state, without specifically referring to this issue, that they favor conversion to standard patterns if, among other things, conversion can be accomplished without changing the classification of any

station or the level of protection against interference to which it is now entitled.

33. There are approximately 600 Class III stations with a nighttime power of one kilowatt. Computing the RSS of each of these stations by current methods would, we believe, indeed be time-consuming. There would have to be adjustments for measured patterns, which is the very practice we are trying to eliminate in this proceeding. Again, looking at the time constraints related to preparation for the Second Session, we must conclude that our proposal to redefine the stations as Class III–A stations should be adopted. We again note that there would be no impact on existing stations, except that those converting from Class III–B to Class III–A would receive even more protection than they do at present. New stations and changes in existing stations may be slightly more restricted than they are now because they will now have to protect an RSS below 4.0 mV/m, instead of 4.0 mV/m, in some cases. We believe that the improvements in protection requirements (resulting from reclassification from Class III–B to Class III–A) will not be objectionable to GEBCO and MWK.

34. Since the Commission does not have adequate staff to perform the conversion to standard patterns within the internationally imposed time constraints, and since it would be an administrative nightmare to attempt to have each station perform its own conversion in such a short time, we concluded that the only feasible method of performing the conversion is with a contractor. Except for AFCCE, all parties commenting on this issue agreed that the only method, given the restrictive time frame, is with the use of a contractor. As discussed above, AFCCE has proposed a method of converion (to only the basic standard pattern) that would require only minimal effort to complete. Therefore, AFCCE believes that a contract is unnecessary; we agree that a contract would be unnecessary if we followed the AFCCE proposal. However, AFCCE does agree that the use of a contractor would be the only feasible method of performing the conversion if we follow the approach outlined in the *NPRM*. We have decided to do just that, except for eliminating the reduction of apparently excessively high RMS values.

35. S&S suggests that the Commission staff would be the only beneficiary of the conversion. However, ABC points out that the benefits of conversion would accrue both to new applicants and to the Commission. We would note, also, that existing stations benefit to the extent that they are better protected from interference from foreign stations and by virtue of retention of their existing radiation rights which would otherwise be lost internationally. And existing stations would, of course, benefit if the licensee were a party to a change in operation. Apparently because we were silent about responsibility for funding in our *NPRM*, ABC felt it prudent to suggest that the Commission, rather than the individual licensees, pay for the conversion by the contractor. Since we originally intended that the Commission pay for the conversion, although not stated in the *NPRM*, we have no objection to stating unequivocally that the Commission will pay for the contractor to perform the conversion.

36. Similarly, because of the short time, there was general agreement that a conversion by frequency would be preferable to conversion over the renewal cycle.

37. Several of the parties, while agreeing that the use of a contractor would be appropriate, noted that it would be necessary to have a means by which the individual stations would be able to receive the parameters developed by the contractor, and have a time to request modifications in the parameters. ABC also suggests that private negotiations between affected parties may be appropriate in certain circumstances. We agree that a notification would be beneficial. Indeed, in our solicitation directed to prospective contractors, we included a notification procedure as one of the tasks to be performed. Our solicitation included the following:

a. The contractor shall prepare a Public Notice announcing the new parameters.

b. The Commission will distribute the Public Notice via our Public Information Office.

c. Any party (licensees, permittees, applicants, or others) may submit proposed corrections to the developed parameters within 30 days after publication by the Commission. The proposed corrections would be submitted both to the Commission and to the contractor. In addition, if the request for modification came from a party other than the licensee, the party would also have to notify the licensee.

d. If a modification is requested, the contractor would examine the request and either modify the parameters (including preparation of another Public Notice which the Commission would distribute) or supply a report to the Commission indicating why the contractor believes the original parameters are correct.

e. In the event that the contractor supplies a report to the Commission, Commission staff would examine both the request for the modified parameters and the contractor's report, and make a decision.

We will explicitly include the above procedures in our conversion procedures in Appendix II, along with the additional requirement that any party requesting modifications must justify the request. We will also add the requirement that any party requesting modifications must supply alternative parameters; it will not be sufficient to simply state that the parameters developed by the contractor do not please the party requesting modifications. We have included the above requirement because the international time constraints require that we adopt parameters as quickly as possible. Also, it is important to note that the Commission, not the contractor, would be the final arbiter. We have no objection to the ABC suggestion concerning negotiations between affected parties, provided that such negotiations do not require extension of the 30-day period for modification. Parameters developed by the contractor will be considered final, constitute a legal modification of the station license under Section 316 of the Communications Act of 1934, as amended, and will be provided to the IFRB in the absence of requests for modified parameters within the 30-day period prescribed by the guidelines for conversion.

38. Group W has investigated the situation involving WINS. Noting that the WINS standard pattern would have to be augmented in at least six directions to retain the values specified on the WINS construction permit, Group W suggests that when the MEOV (either on the pattern or the construction permit) is within 10 percent of the standard pattern, negative augmentation to reduce the pattern to the MEOV not be required. The situation postulated by WINS would also require the use of negative augmentation to avoid further infringement of the Canadian border.

39. We noted in paragraph 33 of the *NPRM* our ongoing discussions with Canada concerning an agreement whereby both countries would use the standard pattern for international purposes. (The U.S. already uses standard patterns internationally for new stations and major changes. Canada is already using the standard pattern domestically.) We believe that a formal agreement with Canada is in the immediate future. (We already have an informal agreement that our conversion to standard patterns need only consider

the MEOV in the horizontal plane in determining the allowable radiation.) Since we are so close to an agreement, and since we anticipate that the agreement will be reached by the time the conversion begins, we do not believe that it is necessary to provide for negative augmentation to avoid increasing radiation over what is now notified. Rather, augmentation will be used only to retain existing MEOV which exceed the basic standard pattern values. Therefore, Group W's request to allow retention of full standard pattern values when the MEOV are within 10 percent of the standard pattern values is moot.

40. We are in the preliminary discussion stage concerning a possible standard pattern agreement with Mexico. We also hope to reach an agreement with Mexico by the time conversion begins. Therefore, we see no need to use negative augmentation in the direction of Mexican stations to avoid increasing radiation beyond that now notified.

41. In the preceding two paragraphs, we concluded that we did not need to use negative augmentation in the direction of Canadian and Mexican stations because we are acting on the assumption that we will reach agreements on standard pattern conversion with the two countries. In the event that we do not reach such agreements, we intend, without further rulemaking, to have the contractor performing the conversions use negative augmentation as necessary to avoid increases in radiation beyond that now notified.

42. Although negative augmentation need not be used in the direction of Canadian and Mexican stations, it remains necessary to use negative augmentation in the direction of stations in the other countries with which we have agreements. However, we note that the U.S. will attempt to have the Second Session adopt the standard pattern (with augmentation) for use throughout Region 2. However, even if that attempt is unsuccessful, agreements with Canada and Mexico should satisfy the concern of CCBS that the use of standard patterns by only U.S. stations puts U.S. stations in a position of providing more protection to foreign stations than the foreign stations provide to U.S. stations. We reach this conclusion because the overwhelming majority of directional antenna stations which are close enough to affect U.S. stations are located primarily in Canada and secondarily in Mexico. Following is a tabulation of the number of directional stations operated in other countries in Region 2, as supplied to the IFRB as of May 31, 1980; countries which are not listed do not have any directional operations.

Argentina—2
Brazil—96
British West Indies—3
Haiti—4
Netherlands Antilles—1
Santa Lucia—1
Uruguay—17
Venezuela—9

43. There is another area of concern involving the international aspects. There may be some cases where the measured patterns of U.S. stations exceed the notified patterns in the direction of foreign stations. KFAB and Group W (with respect to WINS) both present examples where the measured values exceed the notified values in some directions, and they wish to ensure that they retain the right to operate with their present measured patterns. Measured patterns which exceed notified patterns are in technical violation of our agreements with foreign countries. Under present policies, such measured patterns would not be authorized.

44. In a sense, the problem of measured radiation exceeding notified radiation is outside the scope of this proceeding; we would have this problem even if we were not converting to standard patterns. However, we believe that it is appropriate to attempt a resolution in this proceeding. As noted above, one of our early reasons for proposing the standard pattern was to eliminate the use of multiple, conflicting patterns. Therefore, we do not consider the use of a notified pattern which differs from the domestically authorized pattern to be an acceptable situation.

45. There are two potential solutions:

a. Require each station with such a measured pattern to readjust and perform a new proof of performance to bring the measured pattern within the notified pattern.

b. Notify the converted pattern (with the measured radiation used in developing the converted pattern) and, where necessary, negotiate to resolve the problems.

46. We believe that alternative b is more appropriate for several reasons. First, not every case where the measured radiation exceeds the notified radiation will result in objectionable interference. Second, we are attempting to accomplish this conversion without requiring adjustment of any stations. If we used alternative a, some stations would be readjusting without a true requirement for doing so. Finally, we have readily available forums for negotiations, in the form of bilateral discussions with Canada and Mexico, and the upcoming Second Session.

47. In paragraph 29 of the *NPRM*, we discussed whether it is necessary to replot all of the stacked and vertical slice patterns. We noted that our position was that the plots are unnecessary, except for the horizontal plane pattern. However, our international agreements require the use of the plotted patterns. Since the issuance of the *NPRM*, we have reached an agreement with Canada that the plotted patterns are no longer required. We have not yet reached similar agreements with other countries. Until we do, in order to maintain continuity of our past practices, we will continue to require that the plotted patterns be submitted and to continue to notify them to the other countries. However, we do not plan to replot the converted patterns until after the Second Session reaches a determination on whether to change the channel spacing from 10 kHz to 9 kHz. Even then, replotting may be unnecessary internationally because the proposed notification format for Region 2 does not require plotted patterns. In any event, we do not have to decide in this proceeding the details of a potential replotting after the decision on channel spacing is reached.

48. As noted throughout this proceeding, minor change applicants are not now required to propose a standard pattern, unless modifying an existing standard pattern. As a result of this proceeding, minor change applicants will have to submit standard patterns with appropriate augmentation. Any amendments must also include standard patterns. We will make the effective date of this requirement correspond with the effective date of the other rules adopted in this proceeding.

49. In the past, we have occasionally waived the required use of a standard pattern for a proposed new Class II–A station or for a Class II–A station wishing to make a major change. As a result of the conversion, all stations (including the Class II–A stations for which waivers were granted) will have standard patterns. We do not intend to grant waivers of this nature in the future because we do not desire to return to non-automated patterns. We note that we have provided for the use of a reduced Q in certain intances. *Report and Order in Docket No. 16222, supra*, at para. 40. We do not intend that negative augmentation be used except during the conversion and when making changes to those stations which have negative augmentation as a result of that conversion.

50. At the same time that we convert to standard patterns, we proposed to

convert to the metric system. In paragraph 12 of the *NPRM*, we raised a couple of questions concerning the units to be used. For instance, the radiation from the patterns is now given in millivolts per meter (mV/m) at one mile. Since the new propagation curves adopted for Region 2 are labeled in dBu, should we remain with mV/m or switch to decibels above one microvolt per meter? Should we remain with the radiation at one mile or convert to radiation at one kilometer? ABES, Mr. Ball, and ABC stated their preference for mV/m rather than dBu. Mr. Ball and ABC noted that the field strength meters have their scales labeled in mV/m and that a conversion to dBu would lead to unnecessary confusion in meter readings. A slight preference for the linear feature of mV/m rather than the logarithmic scale of dBu was also expressed. The Commission has no particular preference for one over the other; we are therefore adopting Rules which use mV/m since that is the consensus of the comments. Although personally opposed to the use of the metric system, Mr. Ball recognizes the inevitability of conversion. He therefore favors the specification of radiation at one kilometer rather than one mile. ABC, on the other hand, would convert one mile to 1.6 kilometers, and use the radiation at 1.6 kilometers. This, says ABC, would continue the use of values of radiation with which we are all familiar. We have considered the comments, and have concluded that a simple conversion from one mile to 1.6 kilometers would not be a true conversion to the metric system. Therefore, we will require the use of radiation at one kilometer rather than at one mile. We note that this will change the formula for Q for the standard pattern (§ 73.150). Instead of 6.0 times the square root of the nominal power, we would have 9.656 times the square root of the nominal power. For the sake of simplicity, we will use 10.0 rather than 9.656; the change is negligible.

51. We intially included the metric conversion in this proceeding because we did not want to have two conversions, a conversion to standard patterns and then another conversion to the metric system. This is particularly important if we are to replot all of the patterns. However, since we have decided not to replot the patterns until at least 1982, there is no administrative reason why the two conversions must take place simultaneously. Accordingly, we will convert to the metric system at a later date, after all stations have been converted to standard patterns. We have set the date, January 4, 1982, sufficiently far in the future so that we will have time to convert our application and authorization forms, and so that we and consulting engineers will have time to modify our computer programs.

52. We also discussed the use of parameters which are specified with unrealizable precision. Related to this issue is the format in which the parameters should be specified. We proposed limiting the number of significant figures to values no greater than can be obtained with available equipment. ABC doesn't like unnecessary limitations on the precision, but sees the entire issue as a "tempest in a teapot." ABC, therefore, sees neither good nor harm in requiring the numbers to be rounded off. Both ABC and Mr. Ball suggest that the spacing and orientation of the towers be specified from a common origin. They oppose our suggestion (in paragraph 31 of the *NPRM*) that we permit a description of a parallelogram which describes only the sides. ABC and Mr. Ball state that such descriptions would result in loss of some of the benefits of computerization, with ABC stating that a single reference point is necessary for use in a generalized computer program. We disagree. For some years, we have been using computer programs which permit the sides of a parallelogram to be specified. The spacing and orientation of each tower may be specified from either a common origin or from the previous tower. If the spacing and origin are specified from the previous tower, the computer program (not the engineer) calculates the actual spacing and orientation from the common origin for use in the remainder of the calculations. We have found that such a feature is not difficult to use, and the coding for such calculations is quite short. Therefore, we see no reason to depart from our initial conclusion that a simpler description of a parallelogram results from describing its sides. We suggest that modifications to existing computer programs to incorporate such a feature would make them more versatile. Appendix III is a listing of our subroutine which performs the calculations. Consultants and others should feel free to adapt it for use in their programs.

53. Thoughout this proceeding, the only issue which might have required actual adjustments of, or measurements on, directional antenna systems is that relating to the possible reduction of an excessively high RMS. Since we have postponed a decision on that issue, it is clear that the full conversion to standard patterns and the metric system will not require changes in operation by existing stations.

54. Since actual changes in operation will not be required, it may appear that monitoring point values will remain unchanged. On the other hand, since the allowable radiation may change somewhat from what is presently authorized, and since the monitoring point values are based on the ratio of authorized to measured radiation, it may appear that some monitoring point values should be changed as a result of the conversion. Because we are attempting to accomplish this change with as little disruption as possible, we believe that it is appropriate that we not change any monitoring point values during the conversion. However, the public notice announcing the parameters developed during the conversion will include a listing of the pre- and post-conversion radiation on the monitor point radials.

55. In accordance with our discussion above, we have modified the guidelines for conversion which appeared in Appendix I of the *NPRM*. The modified guidelines, which will be followed by the contractor in performing the conversion, now appear as Appendix II to this *Report and Order*. We hope to issue the contract by the end of February 1981, and begin conversion as soon as possible thereafter.

56. We recognize that, in some cases, there will be "paper" changes in the interference which a station may receive as a result of the conversion. Although in this proceeding we are not actually withdrawing existing service to the public, we are establishing rules which may, in some instances, permit antenna adjustments which ultimately may result in additional interference. Since any subsequent changes in antenna adjustments will be in accordance with the rules established herein, they will not constitute a modification of license under Section 316 of the Communications Act of 1934, as amended. *WBEN, Inc.* v. *United States*, 396 F. 2d 601 (2nd Cir. 1968). Accordingly, hearings at the time of actual individual changes are not required and are not anticipated. In view of the detailed nature of this proceeding and its international ramifications, we are confident that the Broadcast Bureau can expeditiously resolve disputes which may arise as a result of the conversion process. Accordingly, we delegate to the Chief, Broadcast Bureau, such authority.

57. Accordingly, under the authority of Sections 4(i), 303(f, g, r), and 307(b) of the Communications Act of 1934, as amended, IT IS ORDERED that, effective March 17, 1981, Part 73 of the Commission's Rules and Regulations is

amended in accordance with attached Appendix I.

58. It is further ordered that this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix I

I. Section 73.21(b)(1)(ii) is revised to read as follows:

§ 73.21 Classes of AM broadcast channels and stations.

* * * * *

(b) * * *

(1) * * *

(ii) *Class III–B station.* A Class III–B station is a Class III station which operates with a nighttime nominal power of 500 watts, and a daytime nominal power no less than 500 watts and no greater than 5 kilowatts. The service area of a Class III–B station is subject to interference in accordance with § 73.182.

* * * * *

§ 73.150 [Amended]

II. Section 73.150 is amended as follows:

1. The Note to § 73.150(a) is revised to read as follows:

(a) * * *

Note.—Applications for new stations and for changes (both minor and major) in existing stations must use a standard pattern.

2. The portion of § 73.150(b)(1)(i) which currently begins:

"f_i (θ) represents the vertical plane * * *"

and concludes

"See also Section 73.190, Figure 5."

is amended to replace it with the following:

f_i (θ) represents the vertical plane radiation characteristic of the i^{th} antenna. This value depends on the tower height, as well as whether the tower is top-loaded or sectionalized. The various formulas for computing f_i (θ) are given in § 73.160.

3. The portion of § 73.150(b)(1)(i) which currently begins:

"Q is the greater of the following two quantities:"

and concludes:

"$6.0\ g(\theta)\ \sqrt{P_{kw}}$"

is amended to replace it with the following:

The method of computing Q depends on whether the metric system is being used; see § 73.181(f). For all situations prior to January 4, 1982, Q is the greater of the following quantities:

$$0.025\ g(\theta)\ E_{rss}$$

or

$$6.0\ g(\theta)\ \sqrt{P_{kw}}$$

For all situations on or after January 4, 1982, Q is the greater of the following quantities:

$$0.025\ g(\theta)\ E_{rss}$$

or

$$10.0\ g(\theta)\ \sqrt{P_{kw}}$$

4. Section 73.150(b)(1) is amended to redesignate Eq. 3, Eq. 4, and Eq. 5 as Eq. 2, Eq. 3, and Eq. 4, respectively.

5. Section 73.150(b)(6) is redesignated as § 73.150(b)(7), and a new Section 73.150(b)(6) is added as follows:

* * * * *

(b) * * *

(6) The values used in specifying the parameters which describe the array must be specified to no greater precision than can be achieved with available monitoring equipment. Use of greater precision raises a rebuttable presumption of instability of the array. Following are acceptable values of precision; greater precision may be used only upon showing that the monitoring equipment to be installed gives accurate readings with the specified precision.

(i) Field Ratio: 3 significant figures.

(ii) Phasing: to the nearest 0.1 degree.

(iii) Orientation (with respect to a common point in the array, or with respect to another tower): to the nearest 0.1 degree.

(iv) Spacing (with respect to a common point in the array, or with respect to another tower): to the nearest 0.1 degree.

(v) Electrical Height (for all parameters listed in Section 73.160): to the nearest 0.1 degree.

(vi) Theoretical RMS (to determine pattern size): 4 significant figures.

(vii) Additional requirements relating to modified standard patterns appear in § 73.152(b)(5).

* * * * *

6. A new paragraph (c) is added to § 73.150 as follows:

* * * * *

(c) Sample calculations for the theoretical and standard radiation follow. Assume a five kilowatt (nominal power) station with a theoretical RMS of 685 mV/m at one kilometer. Assume that it is an in-line array consisting of three towers. Assume the following parameters for the towers:

Tower	Field ratio	Relative phasing	Relative spacing	Relative orientation
1	1.0	−128.5	0.0	0.0
2	1.89	0.0	110.0	285.0
3	1.0	128.5	220.0	265.0

Assume that tower 1 is a typical tower with an electrical height of 120 degrees. Assume that tower 2 is top-loaded in accordance with the method described in § 73.160(b)(2) where A is 120 electrical degrees and B is 20 electrical degrees. Assume that tower 3 is sectionalized in accordance with the method described in § 73.160(b)(3) where A is 120 electrical degrees, B is 20 electrical degrees, C is 220 electrical degrees, and D is 15 electrical degrees.

The multiplying constant will be 323.6.

Following is a tabulation of part of the theoretical pattern:

Azimuth	0	30	60	Vertical angle
0	15.96	62.49	68.20	
105	1225.30	819.79	234.54	
235	0.43	18.46	34.56	
247	82.62	51.52	26.38	

If we further assume that the station has a standard pattern, we find that Q, for $\theta = 0$, is 22.36.

Following is a tabulation of part of the standard pattern:

Azimuth	0	30	60	Vertical angle
0	28.86	68.05	72.06	
105	1286.78	860.97	246.41	
235	23.48	26.50	37.18	
247	89.87	57.03	28.87	

The RMS of the standard pattern in the horizontal plane is 719.63 mV/m at one kilometer.

III. Section 73.152 is revised to read as follows:

§ 73.152 Modification of directional antenna data.

(a) If, after construction and final adjustment of a directional antenna, a measured inverse distance field in any direction exceeds the field shown on the standard radiation pattern for the pertinent mode of directional operation, an application shall be filed, specifying a modified standard radiation pattern and/or such changes as may be required in operating parameters so that all measured effective fields will be contained within the modified standard radiation pattern.

(b) Normally, a modified standard pattern is not acceptable at the initial construction permit stage, before a proof-of-performance has been completed. However, in certain cases, where it can be shown that modification is necessary, a modified standard pattern will be acceptable at the initial construction permit stage. Following is a non-inclusive list of items to be considered in determining whether a modification is acceptable at the initial construction permit stage:

(1) When the proposed pattern is essentially the same as an existing pattern at the same antenna site. (e.g., A DA–D station proposing to become a DA–1 station.)

(2) Excessive reradiating structures, which should be shown on a plat of the antenna site and surrounding area.

(3) Other environmental factors; they should be fully described.

(4) Judgment and experience of the engineer preparing the engineering portion of the application. This must be supported with a full discussion of the pertinent factors.

(c) The following general principles shall govern the situations in paragraphs (a) and (b) in this section:

(1) Where a measured field in any direction will exceed the authorized standard pattern, the license application may specify the level at which the input power to the antenna shall be limited to maintain the measured field at a value not in excess of that shown on the standard pattern, and shall specify the common point current corresponding to this power level. This value of common point current will be specified on the license for that station.

(2) Where any excessive measured field does not result in objectionable interference to another station, a modification of construction permit application may be submitted with a modified standard pattern encompassing all measured fields. The modified standard pattern shall supersede the previously submitted standard radiation pattern for that station in the pertinent mode of directional operation. Following are the possible methods of creating a modified standard pattern:

(i) The modified pattern may be computed by making the entire pattern larger than the original pattern (i.e., have a higher RMS value) if the measured fields systematically exceed the confines of the original pattern. The larger pattern shall be computed by using a larger multiplying constant, k, in the theoretical pattern equation (Eq. 1) in § 73.150(b)(1).

(ii) Where the measured field exceeds the pattern in discrete directions, but objectionable interference does not result, the pattern may be expanded over sectors including these directions. When this "augmentation" is desired, it shall be achieved by application of the following equation:

$$E(\phi,\theta)_{aug} = \sqrt{\{E(\phi,\theta)_{std}\}^2 + A[g(\theta)\cos(180\,\frac{D_A}{S}\,)]^2}$$

where:

$E(\phi,\theta)_{std}$ is the standard pattern field at some particular azimuth and elevation angle, before augmentation, computed pursuant to Eq. 2, § 73.150(b)(1)(i).

$E(\phi,\theta)_{aug}$ is the field in the direction specified above, after augmentation.

$A = E(\phi',O)^2_{aug} - \{\phi',O\}^2_{std}$ in which ϕ' is the central azimuth of augmentation. $E(\phi',O)_{aug}$ and $E(\phi',O)_{std}$ are the fields in the horizontal plane at the central azimuth of augmentation.

Note.—"A" must be positive, except during the process of converting non-standard patterns to standard patterns pursuant to the *Report and Order in Docket No. 21473*, and in making minor changes to stations with patterns developed during the conversion. However, even when "A" is negative, "A" cannot be so negative that $E(\phi,\theta)_{aug}$ is less than $E(\phi,\theta)_{kn}$ at any azimuth or vertical elevation angle.

$g(\theta)$ is defined in § 73.150(b)(1)(i).

S is the angular range, or "span", over which augmentation is applied. The span is centered on the central azimuth of augmentation. At the limits of the span, the augmented pattern merges into the unaugmented pattern. Spans may overlap.

D_A is the absolute horizontal angle between the azimuth at which the augmented pattern value is being computed and the central azimuth of augmentation. (D_A cannot exceed 1/2 S.)

In the case where there are spans which overlap, the above formula shall be applied repeatedly, once for each augmentation, in ascending order of central azimuth of augmentation, beginning with zero degrees representing true North. Note that, when spans overlap, there will be, in effect, an augmentation of an augmentation. And, if the span of an earlier augmentation overlaps the central azimuth of a later augmentation, the value of "A" for the later augmentation will be different than the value of "A" without the overlap of the earlier span.

(iii) A combination of (i) and (ii), of this section, with (i) being applied before (ii) is applied.

(3) A Modified Standard Pattern shall be specifically labeled as such, and shall be plotted in accordance with the requirements of subparagraph (2) of paragraph (b) of § 73.150. The effective (RMS) field intensity in the horizontal plane of $E(\phi,\theta)_{std}$, $E(\phi,\theta)_{kn}$, and the root sum square (RSS) value of the inverse fields of the array elements (derived from the equation for $E(\phi,\theta)_{kn}$), shall be tabulated on the page on which the horizontal plane pattern is plotted. Where sector augmentation has been employed in designing the modified pattern, the direction of maximum augmentation (i.e., the central azimuth of augmentation) shall be indicated on the horizontal plane pattern for each augmented sector, and the limits of each sector shall also be shown. Field values within an augmented sector, computed prior to augmentation, shall be depicted by a broken line.

(4) There shall be submitted, for each modified standard pattern, complete tabulations of final computed data used in plotting the pattern. In addition, for each augmented sector, the central azimuth of augmentation, span, and radiation at the central azimuth of augmentation ($E(\phi,\theta)_{aug}$) shall be tabulated.

(5) The parameters used in computing the modified standard pattern shall be specified with realistic precision. Following is a list of the maximum acceptable precision:

(i) Central Azimuth of Augmentation: to the nearest 0.1 degree.

(ii) Span: to the nearest 0.1 degree.

(iii) Radiation at Central Azimuth of Augmentation: 4 significant figures.

(d) Sample calculations for a modified standard pattern follow. First, assume the existing standard pattern in § 73.150(c). Then, assume the following augmentation parameters:

Augmentation number	Central azimuth	Span	Radiation at central azimuth
1	110	40	1.300
2	240	50	52
3	250	10	130

Following is a tabulation of part of the modified standard pattern:

Azimuth	0	30	60	Vertical angle
0	28.86	68.05	72.06	
105	1,299.42	872.14	254.21	
235	39.00	35.74	38.71	
247	100.47	66.69	32.78	

IV. A new § 73.160 is added as follows:

§ 73.160 Vertical plane radiation characteristics, f(θ).

(a) The vertical plane radiation characteristics show the relative field being radiated at a given vertical angle, with respect to the horizontal plane. The vertical angle, represented as θ, is 0 degrees in the horizontal plane, and 90 degrees when perpendicular to the horizontal plane. The vertical plane radiation characteristic is referred to as $f(\theta)$. The generic formula for $f(\theta)$ is:

$f(\theta) = E(\theta)/E(O)$

where:

$E(\theta)$ is the radiation from the tower at angle θ.

E(O) is the radiation from the tower in the horizontal plane.

(b) Listed below are formulas for $f(\theta)$ for several common towers.

(1) For a typical tower, which is not top-loaded or sectionalized, the following formula shall be used:

$$f(\theta) = \frac{\cos (G \sin \theta) - \cos G}{(1 - \cos G) \cos \theta}$$

where:

G is the electrical height of the tower, not including the base insulator and pier. (In the case of a folded unipole tower, the entire radiating structure's electrical height is used.)

(2) For a top-loaded tower, the following formula shall be used:

$$f(\theta) = \frac{\cos B \cos (A \sin \theta) - \sin \theta \sin B \sin (A \sin \theta) - \cos (A+B)}{\cos \theta (\cos B - \cos (A+B))}$$

where:

A is the physical height of the tower, in electrical degrees, and

B is the difference, in electrical degrees, between the apparent electrical height (G, based on current distribution) and the actual physical height.

G is the apparent electrical height: the sum of A and B; A+B.

See Figure 1 of this section.

(3) For a sectionalized tower, the following formula shall be used:

$$f(\theta) = \frac{\{\sin \Delta [\cos B \cos (A \sin \theta) - \cos G] + \sin B [\cos D \cos (C \sin \theta) - \sin \theta \sin D \sin (C \sin \theta) - \cos \Delta \cos (A \sin \theta)]\}}{\cos \theta [\sin \Delta (\cos B - \cos G) + \sin B (\cos D - \cos \Delta)]}$$

where:

A is the physical height, in electrical degrees, of the lower section of the tower.

B is the difference between the apparent electrical height (based on current distribution) of the lower section of the tower and the physical height of the lower section of the tower.

C is the physical height of the entire tower, in electrical degrees.

D is the difference between the apparent electrical height of the tower (based on current distribution of the upper section) and the physical height of the entire tower. D will be zero if the sectionalized tower is not top-loaded.

G is the sum of A and B; A+B.

H is the sum of C and D; C+D.

Δ is the difference between H and A; H−A.

See Figure 2 of this section.

(c) One of the above $f(\theta)$ formulas *must* be used in computing radiation in the vertical plane, unless the applicant submits a special formula for a particular type of antenna. If a special formula is submitted, it must be accompanied by a complete derivation and sample calculations. Submission of values for $f(\theta)$ only in a tabular or graphical format (i.e., without a formula) is not acceptable.

(d) Following are sample calculations. (The number of significant figures shown here should *not* be interpreted as a limitation on the number of significant figures used in actual calculations.)

(1) For a typical tower, as described in subsection (b)(1), assume that G=120 electrical degrees:

θ	f(θ)
0	1.0000
30	0.7698
60	0.3458

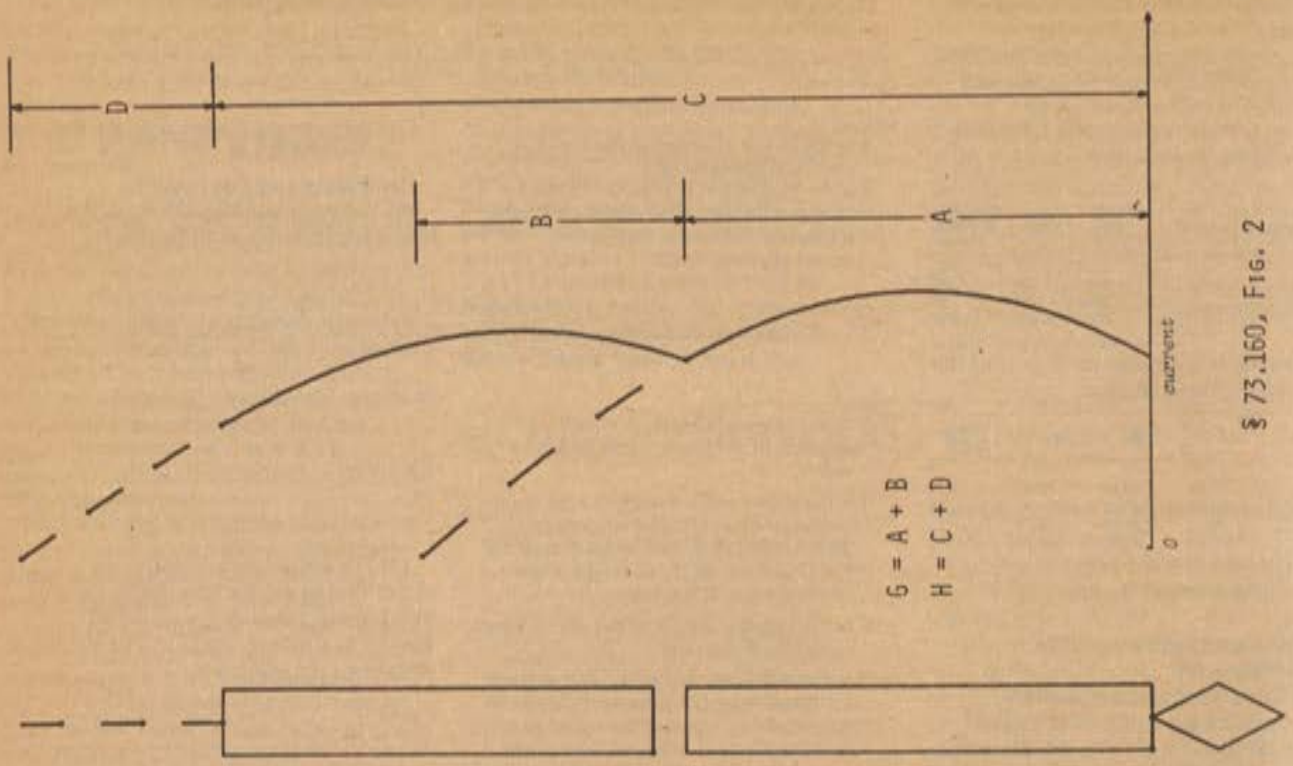
(2) For a top-loaded tower, as described in subsection (b)(2), assume A=120 electrical degrees, B=20 electrical degrees, and G=140 electrical degrees, (120+20):

θ	f(θ)
0	1.0000
30	0.7364
60	0.2960

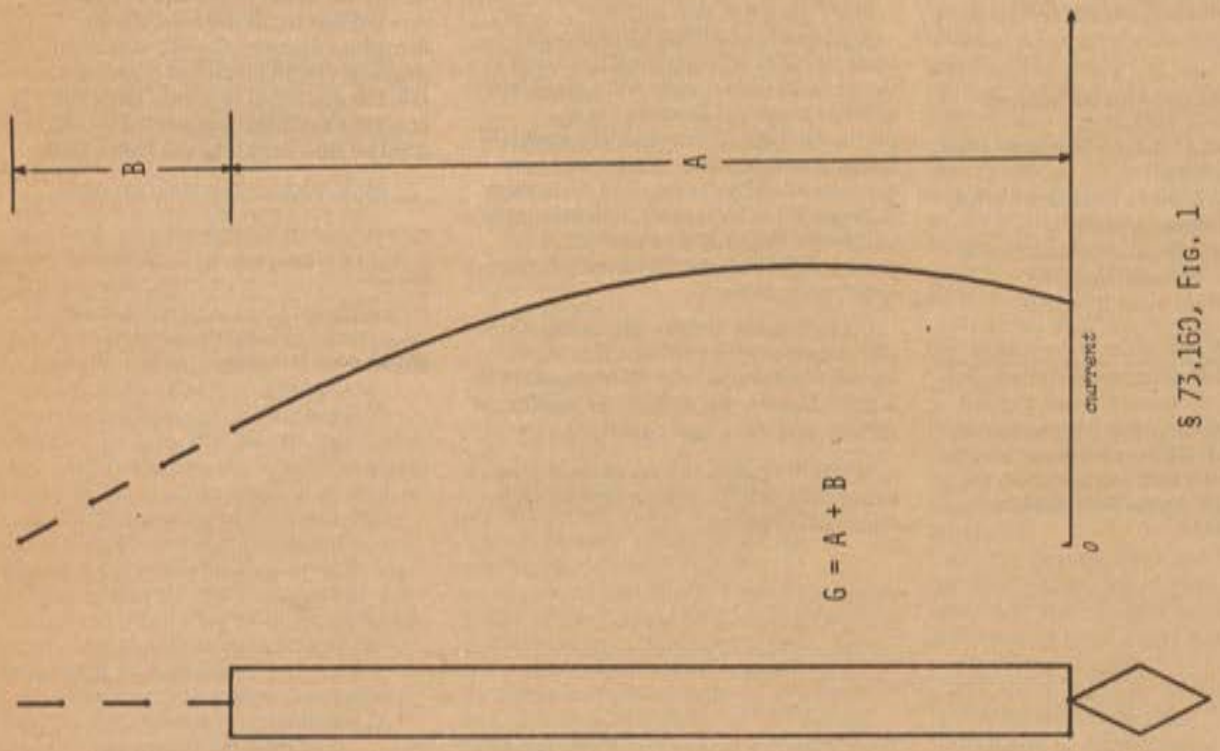
(3) For a sectionalized tower, as described in subsection (b)(3), assume A=120 electrical degrees, B=20 electrical degrees, C=220 electrical degrees, D=15 electrical degrees, G=140 electrical degrees (120+20), H=235 electrical degrees (220+15), and Δ=115 electrical degrees (235−120):

θ	f(θ)
0	1.0000
30	0.5930
60	0.1423

BILLING CODE 6712-01-M



§ 73.160, Fig. 2



§ 73.163, Fig. 1

BILLING CODE 6712-01-C

V. A new paragraph (f) is added to § 73.181:

§ 73.181 [Amended]

* * * * *

(f) The Commission is in the process of converting its standards to the metric system. This process will be gradual, with some of our standards and other requirements in the metric system while other of our standards and requirements may remain non-metric. Therefore, parties involved with AM broadcast stations and applications therefore should take extra care to avoid problems resulting from the mixing of the two systems.

(1) Parties submitting directional antenna patterns pursuant to §§ 73.150 and 73.152 (standard patterns and modified standard patterns) must submit patterns which are tabulated and plotted using units of millivolts per meter at one mile prior to January 4, 1982. Beginning on January 4, 1982, such patterns must be tabulated and plotted using units of millivolts per meter at one kilometer. Applications which are amended should use the units in effect as of the day of submission of the amendment. Applications which are on file prior to January 4, 1982, need not be amended solely for the purpose of conversion to the metric units. Applications which are submitted using the wrong units will be returned unless they are promptly amended to use the correct units.

(2) The Rules and the application forms (Forms 301, 302, 340, and 341) will be amended periodically as other changes to the metric system are made. Interested parties should check carefully to insure that the correct units are being used.

VI. Section 73.182(a)(3)(ii) is revised to read as follows:

§ 73.182 [Amended]

(a) * * *

(3) * * *

(ii) Class III–B stations, which operate with a nighttime nominal power of 500 watts and a daytime nominal power of no less than 500 watts and no greater than 5 kilowatts, and are normally protected to the 4000 uV/m contour nighttime and the 500 uV/m contour daytime.

Note. * * *

* * * * *

VII. Section 73.185 (a) and (h) are revised to read as follows:

§ 73.185 Computation of interference and overlap.

(a) Measured values of radiation are not to be used in calculating overlap, interference, and coverage.

(1) In the case of an antenna which is intended to be non-directional in the horizontal plane, an ideal non-directional radiation pattern shall be used in determining interference, overlap, and coverage, even if the antenna is not actually non-directional.

(2) In the case of an antenna which is directional in the horizontal plane, the radiation which shall be used in determining interference, overlap, and coverage is that calculated pursuant to § 73.150 or § 73.152, depending on whether the station has a standard or modified standard pattern.

(3) In the case of calculation of interference or overlap to (not from) a foreign station, the notified radiation shall be used, even if the notified radiation differs from that in paragraphs(a)(1) or (2) of this section.

* * * * *

(h) In the case of an antenna which is intended to be non-directional in the horizontal plane, the vertical distribution of the relative fields should be computed pursuant to § 73.160. In the case of an antenna which is directional in the horizontal plane, the vertical pattern in the great circle direction towards the point of reception in question must first be calculated. In cases where the radiation in the vertical plane, in the pertinent azimuth, contains a large lobe at a higher angle than the pertinent angle for one reflection, the method of calculating interference will not be restricted to that just described, but each such case will be considered on the basis of the best knowledge available.

* * * * *

VIII. The section heading and the introductory clause of paragraph (a) of § 73.186 is revised to read as follows:

§ 73.186 Establishment of effective field at one mile.

(a) Section 73.45 provides that certain minimum field strengths are acceptable in lieu of the required minimum physical heights of the antennas proper. Also, in other situations, it may be necessary to determine the effective field. The following requirements shall govern the taking and submission of data on the field strength produced:

* * * * *

Appendix II

The following guidelines are to be applied in converting AM broadcast stations to standard patterns.

1. Existing standard and augmented patterns.

A. Convert to metric system, on January 4, 1982, using existing parameters.

2. Other existing patterns.

A. Check parameters such as electrical spacing and height to ensure that they are correct for the authorized frequency. If incorrect, use the physical spacing and height to compute the proper electrical values for the authorized frequency.

B. Compute the standard pattern using the theoretical RMS to determine the pattern size. The normal Q shall be used in computing the standard pattern.

C. Examine the measured pattern, the plotted theoretical pattern with MEOV, and the appropriate construction permit to determine the arcs in which the measured radiation and/or MEOV (including the MEOV on outstanding construction permits) exceeds the standard pattern, as computed in B, above. In these arcs, augmentation shall be applied as follows:

(1) The augmented value shall be as great as the measured value at each azimuth, insofar as possible. It is more important that the augmentation cover the measured values on the azimuths at which proof of performance measurements were made; it is less important that the augmentation cover the values on the measured pattern which are the result of "smoothing in" between measured radials.

(2) In arcs where the MEOV exceeds the measured and/or standard pattern values, the augmented values shall normally be no greater than the MEOV at any azimuth. However, in those cases where the only MEOV at an azimuth is a value specified on a construction permit, or where the MEOV specified on the construction permit is greater than the MEOV shown on the pattern, the MEOV on the construction permit can be used with a span of 10 degrees.

(3) In arcs where the existing MEOV exceeds the measured and/or standard pattern values, the maximum possible value which can be retained at each azimuth is the greater of the following two values:

RADI = (RMS)[(−0.05)(Meas/RMS)+0.1]+Meas

where:

RMS is the measured pattern RMS, and Meas is the measured radiation at the desired azimuth.

RAD2 = (MEOV-Meas)[1.0-(MEOV-Meas)/(2 Meas)]+Meas

where:

MEOV is the MEOV at the desired azimuth, and Meas is the measured radiation at the desired azimuth.

Note.—In each case, if the part in square brackets is less than zero, use zero.

(4) Augmentation shall be used as sparingly as possible.

(5) The span for each augmentation shall be at least 10 degrees.

(6) The augmented pattern shall be developed so that the measured pattern RMS shall not fall below 85 percent of the augmented pattern RMS.

D. For Class I or Class II stations operating at night, which are co-channel with a U.S. Class I station: in the arcs in the direction of the 0.5 mV/m-50 percent skywave contour of the U.S. Class I station, the standard pattern of the Class I or II station shall be adjusted by use of either a lower Q or "negative augmentation" (or both) to reduce the standard pattern radiation to a value no greater than the MEOV or the measured radiation.

E. This section applies only in the event that we do not reach agreements with Canada and Mexico on the conversion to standard patterns:

For non-Class IV stations operating at night, in the direction of the protected service area of a non-U.S. Class I station, or in the direction of the site (plus and minus five degrees) of a non-U.S. non-Class I station, in which the standard pattern radiation exceeds the notified pattern radiation:

Then, the standard pattern of the non-Class IV station shall be adjusted by use of either a lower Q or "negative augmentation" (or both) to reduce the standard pattern radiation to a value no greater than the notified radiation or the measured radiation, whichever is greater.

F. Convert the standard pattern, as augmented, to the metric system on January 4, 1982.

3. Public Notice of Results.

A. As the patterns are converted, the results will periodically be made available via Public Notices distributed by the Commission's Public Information Office.

B. Any party (licensees, permittees, applicants, or others) may submit proposed corrections to the developed parameters within 30 days after release of the public notice. The proposed corrections should be submitted both to the Commission and to the contractor performing the conversion to standard patterns. In addition, if the request for modification is made by a party other than the licensee, the party must also notify the licensee. All requests for modifications must supply alternative parameters, as well as justification for the use of the alternative parameters.

C. If a modification is requested, the contractor will examine the request and either modify the parameters (with the issuance of another Public Notice) or supply a report to the Commission indicating why the contractor believes the original parameters are correct.

D. In the event that the contractor supplies a report to the Commission, Commission staff will examine both the request for the modified parameters and the contractor's report, and make a decision. (The Commission, not the contractor, will be the final arbiter in the event of a dispute.)

4. Pending applications.

The processing of pending applications will be stopped, individually, while each is converted. The method of conversion will be the same as for an existing operation. After its conversion, each application will be processed using the converted pattern. If interference develops (using the converted pattern) that did not exist prior to conversion, the application will be granted with the converted pattern, notwithstanding the interference. An amendment tendered after conversion of the corresponding application must use a standard pattern.

5. Precision of parameters.

Converted patterns which do not need correction of basic parameters (pursuant to 2(A) above, for example) will continue using these parameters, even if the precision is in excess of the specified precision in §§ 73.150(b)(6) and 73.152(b)(5).

If the existing parameters must be corrected or if new parameters must be assigned (adding augmentation, for example), the new and/or adjusted parameters shall have no greater precision than outlined in §§ 73.150(b)(6) and 73.152(b)(5).

BILLING CODE 6712-01-M

APPENDIX III

```
C
C     ****************************************************************
C
C
C
C          TTTTT     OOOO    W    W   RRRRR    EEEEE    FFFFF
C            T      O    O   W    W   R    R   E        F
C            T      O    O   W    W   RRRRR    EEEE     FFFF
C            T      O    O   W WW W   R  R     E        F
C            T      O    O   WW  WW   R   R    E        F
C            T       OOOO    W    W   R    R   EEEEEE   F
C
C
C     ****************************************************************
C
      SUBROUTINE TOWREF (N,DTEMP,DD,ATEMP,ALPHAD,ALPHA,D,NDA,KLM)
C
C     ****************************************************************
C
C        THIS SUBROUTINE FINDS THE ADJUSTED SPACING AND ORIENTATION IN
C             RADIANS (D,ALPHA) AND DEGREES (DD,ALPHAD) FOR THE TOWERS,
C             BASED ON THE SPACING AND ORIENTATION IN DEGREES (DTEMP,
C             ATEMP) AND A SIGNAL (NDA) INDICATING WHETHER DTEMP AND
C             ATEMP REFER TO A COMMON ORIGIN OR THE PREVIOUS TOWER.
C
C     FOLLOWING IS A DESCRIPTION OF THE ARGUMENTS:
C
C        N       -- AN INTEGER CONTAINING THE NUMBER OF TOWERS.
C                   THIS IS AN INPUT ARGUMENT.
C
C        DTEMP   -- A FLOATING POINT ARRAY CONTAINING THE SPACING
C                   (IN DEGREES) FOR THE CORRESPONDING TOWER.  THIS IS AN
C                   INPUT ARGUMENT.
C
C        DD      -- A FLOATING POINT ARRAY CONTAINING THE SPACING
C                   (IN DEGREES) FROM THE ORIGIN FOR THE CORRESPONDING
C                   TOWER.
C
C        ATEMP   -- A FLOATING POINT ARRAY CONTAINING THE ORIENTATION
C                   (IN DEGREES) FOR THE CORRESPONDING TOWER.  THIS IS
C                   AN INPUT ARGUMENT.
C
C        ALPHAD  -- A FLOATING POINT ARRAY CONTAINING THE ORIENTATION
C                   (IN DEGREES) FROM THE ORIGIN FOR THE CORRESPONDING
C                   TOWER.
C
C        ALPHA   -- A FLOATING POINT ARRAY CONTAINING THE ORIENTATION
C                   (IN RADIANS) FROM THE ORIGIN FOR THE CORRESPONDING
C                   TOWER.
C
C        D       -- A FLOATING POINT ARRAY CONTAINING THE SPACING
C                   (IN RADIANS) FROM THE ORIGIN FOR THE CORRESPONDING
C                   TOWER.
```

```
C
C       NDA    -- AN INTEGER ARRAY CONTAINING A ZERO OR ONE FOR EACH
C                 TOWER, INDICATING WHETHER THE SPECIFIED SPACING AND
C                 ORIENTATION (DTEMP AND ATEMP) ARE FROM THE COMMON
C                 ORIGIN OR FROM THE IMMEDIATELY PRECEEDING TOWER.
C                 A ZERO REFERS TO THE COMMON REFERENCE POINT, WHILE
C                 A ONE REFERS TO THE IMMEDIATELY PRECEEDING TOWER.
C
C       KLM    -- AN INTEGER CONTAINING A ZERO OR ONE, INDICATING
C                 WHETHER ANY OF THE SPACINGS AND ORIENTATIONS REFER
C                 TO THE IMMEDIATELY PRECEEDING TOWER.  KLM IS ZERO
C                 IF ALL SPACINGS AND ORIENTATIONS ARE WITH RESPECT
C                 TO THE COMMON REFERENCE POINT.  KLM IS ONE IF AT
C                 LEAST ONE OF THE SET OF SPACINGS AND ORIENTATIONS
C                 IS WITH RESPECT TO THE IMMEDIATELY PRECEEDING TOWER.
C                 THIS IS USED TO DETERMINE WHETHER DD AND ALPHAD
C                 SHOULD BE PRINTED.
C
C     ***************************************************************
C
C     THE FOLLOWING STATEMENT IS THE FIRST STATEMENT
C
C     ***************************************************************
C
      DATA DEGREE,RADIAN /57.29578,0.0174532925/
      DIMENSION DTEMP(N),DD(N),ATEMP(N),ALPHAD(N),NDA(N),ALPHA(N),D(N)
C
C     ***************************************************************
C
C     THE FOLLOWING STATEMENT IS THE FIRST EXECUTABLE STATEMENT
C
C     ***************************************************************
C
      KLM=0
C
      DO 20 I=1,N
      ALPHA(I)=ATEMP(I)*RADIAN
C     ORIENTATION IN RADIANS
      D(I)=DTEMP(I)*RADIAN
C     SPACING IN RADIANS
      IF (NDA(I).NE.1) GO TO 10
C     NDA=1 MEANS REF TO PREVIOUS TOWER
      KLM=1
      II=I-1
      TEMP1=D(I)*COS(ALPHA(I))+D(II)*COS(ALPHA(II))
      TEMP2=D(I)*SIN(ALPHA(I))+D(II)*SIN(ALPHA(II))
      D(I)=SQRT(TEMP1*TEMP1+TEMP2*TEMP2)
      ALPHA(I)=ATAN2(TEMP2,TEMP1)
10    ALPHAD(I)=ALPHA(I)*DEGREE
C     ADJ. ORIENT. IN DEGREES
      DD(I)=D(I)*DEGREE
C     ADJ. SPACING IN DEGREES
20    CONTINUE
C
      RETURN
      END
```

[FR Doc. 81-5027 Filed 2-11-81; 8:45 am]
BILLING CODE 6712-01-C

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing the Hawaiian (Oahu) Tree Snails of the Genus Achatinella, as Endangered Species

Correction

In FR Doc. 81-1116, appearing on page 3178, in the issue of Tuesday, January 13, 1981, make the following correction.

On page 3178, first column, the effective date read "February 12, 1982". The effective date should have read "February 12, 1981".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 46, No. 29
Thursday, February 12, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

Spearmint Oil Produced in the Far West; Proposed Salable Quantities and Allotment Percentages for the 1981-82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This is a proposal to establish the quantity of spearmint oil produced in the Far West, by class, that may be freely marketed by handlers from the 1981 crop. This action is taken under the marketing order for spearmint oil produced in the Far West to promote orderly marketing conditions.

DATE: Comments due April 3, 1981.

ADDRESSES: Comments should be sent to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written material should be submitted, and they shall be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5053. The Final Impact Analysis describing the options considered in developing this proposal and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: The proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "significant."

The proposed salable quantity and allotment percentage for each class of spearmint oil would be established in accordance with the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Spearmint Oil Administrative Committee.

The salable quantity and allotment percentage proposed for each class of spearmint oil for the 1981-82 marketing year, beginning June 1, 1981, are based upon recommendations of the Committee. In arriving at its recommendations, the Committee took the following data and estimates into consideration.

(1) "Class 1" Oil (First Cutting Scotch)

(A) Estimated carryin from previous years on June 1, 1981—609,175 pounds.

(B) The Committee's recommendation for the salable quantity—562,760 pounds.

(C) Estimated trade deemed (domestic and export) for the 1981-82 marketing year—850,000 pounds.

(D) Recommended desirable carryout on May 31, 1982—75,000 pounds.

(E) Total allotment bases for "Class 1" Oil—1,406,899 pounds.

(2) "Class 2" Oil (Second Cutting Scotch)

(A) Estimated carryin from previous years on June 1, 1981—100,000 pounds.

(B) The Committee's recommendation for the salable quantity—25,380 pounds.

(C) Estimated trade demand (domestic and export) for the 1981-82 marketing year—30,000 pounds.

(D) Recommended desirable carryout on May 31, 1982—3,000 pounds.

(E) Total allotment bases for "Class 2" Oil—126,901 pounds.

(3) "Class 3" Oil (Native)

(A) Estimated carryin from previous years on June 1, 1981—446,122 pounds.

(B) The Committee's recommendation for the salable quantity—815,790 pounds.

(C) Estimated trade deemed (domestic and export) for the 1981-82 marketing year—1,000,000 pounds.

(D) Recommended desirable carryout on May 31, 1982—50,000 pounds.

(E) Total allotment bases for "Class 3" Oil—1,717,453 pounds.

Based on actual data available and industry estimates including carryin, trade demand, and desirable carryout, the salable quantities required to meet actual market demand for each class of spearmint oil during the 1981-82 marketing year would impose very restrictive allotment percentages on each class. Therefore, the Committee recommended higher and less restrictive allotment percentages allowing for disposition of the excessive carryin of oil over a period of more than one year. These less restrictive allotment percentages would provide an ample supply of oil to meet trade demand requirements while allowing for reduction of the oil included in the carryin.

The Committee proposed that the salable quantity and allotment percentage applicable to each class of oil for the 1981-82 marketing year be established as follows:

"Class 1" Oil—a salable quantity of 562,760 pounds and an allotment percentage of 40 percent.

"Class 2" Oil—a salable quantity of 25,380 pounds and an allotment percentage of 20 percent.

"Class 3" Oil—a salable quantity of 815,790 pounds and an allotment percentage of 47.5 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year.

Therefore, the proposal is to add a new § 985.201 under "Subpart"—Salable Quantities and Allotment Percentages (7 CFR Part 200) as follows:

§ 985.201 Salable quantities and allotment percentages—1981-82 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1981, shall be as follows:

(a) "Class 1" Oil—a salable quantity of 562,760 pounds and an allotment percentage of 40 percent.

(b) "Class 2" Oil—a salable quantity of 25,380 pounds and an allotment percentage of 20 percent.

(c) "Class 3" Oil—a salable quantity of 815,790 pounds and an allotment percentage of 47.5 percent.

Dated: February 6, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-4901 Filed 2-11-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 67

[Docket No. 21130; Notice No. 80-24A]

Medical Standards and Certification; Issuance of Airman Medical Certificates for Certain Conditions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; extenison of comment period.

SUMMARY: This notice announces an extension of the comment period for Notice of Proposed Rule Making (NPRM) No. 80-24 (45 FR 80296; December 4, 1980), which proposed exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations. This extension is necessary to afford all interested persons an opportunity to present their views on the proposed rule.

DATE: Comments must be received on or before February 27, 1981.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 21130, 800 Independence Avenue, SW., Washington, D.C. 20591; or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments delivered must be marked: Docket No. 21130. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Donald P. Byrne, Airmen and Airports Branch, Office of the Chief Counsel, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3491.

SUPPLEMENTARY INFORMATION: On December 1, 1980, the FAA issued NPRM No. 80-24 (45 FR 80296; December 4, 1980). The notice proposes exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations.

The notice also proposes to revise the medical standard for applicants who have a history or clincial diagnosis of heart disease. The revision conforms the standard to the current medical understanding of the risks, symptoms, and findings associated with the presence of heart disease.

In the same issue of the **Federal Register** (45 FR 80295), the FAA announced that it would hold a public hearing in connection with these proposals on January 6 and 7, 1981. Subsequently, the public hearing for this rulemaking action was postponed to Februrary 3 and 4, 1981.

At the time the hearing was postponed, the FAA stated that it recognized that the comment period for Notice No. 80-24 would close on February 4, 1981. It further stated that if it appeared from the information presented at the hearing that an extension of the comment period would be appropriate, it would be announced before the close of the hearing.

In view of the fact that requests for extension of the comment period have been received and a number of participants in the public hearing have indicated their intention to submit further comments, justification exists for extending the comment period. Accordingly, the comment period for Notice No. 80-24 is hereby extended until February 27, 1981.

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a) 1421, and 1422); sec. 6(c) of the Department of Transportation Act (49 U.S.C., 1655(c); and 14 CFR 11.33)

Note.—The FAA has determined that this extension of comment period is not considered to be signficant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that this action is so minimal that it does not require an evaluation.

Issued in Washington, D.C. on February 4, 1981.

H. L. Reighard,

Federal Air Surgeon.

[FR Doc. 81-4906 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-4]

Proposed Alteration of Control Zone and Transition Area Asheville, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Asheville, North Carolina, Transition Area and lower the base of controlled airspace from 1,200 to 700 feet AGL east and west of the Asheville Regional Airport. The additional controlled airspace is necessary in order to provide air traffic control service at low altitudes near the airport. The control zone description will be altered by changing the name of the Asheville Municipal Airport to Asheville Regional Airport.

DATES: Comments must be received on or before: March 23, 1981.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before March 23, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G and Subpart F of Part 71 of the Federal Aviation

Regulations (14 CFR Part 71) to designate a 9.5-mile radius around the Asheville Regional Airport. With this designation, the 700-foot transition area would coincide with the lateral boundary and floor of a portion of the Asheville Terminal Radar Service Area (TRSA). The additional airspace is necessary to provide air traffic control service, also called Stage III service, at low altitudes near the airport.

Since the airport name has been changed from Asheville Muncipal to Asheville Regional airport, it is necessary to correct the control zone description to reflect the change.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540) and Subpart F, § 71.171 (46 FR 455), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Asheville, North Carolina

Transition Area

"* * * within 7 miles east and west * * *" is deleted and "* * * within a 9.5-mile radius of Asheville Regional airport (lat. 35°26'04"N., long. 82°32'25"W.); within 7 miles east and west * * *" is substituted therefor.

Asheville, North Carolina

Control Zone

"* * * Asheville Municipal Airport * * *" is deleted and "* * * Asheville Regional Airport * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in East Point, Georgia, on January 29, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-4915 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-NE-02]

Proposed Designation of Control Zone at Boire Field, Nashua, N.H.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to designate a control zone at Boire Field, Nashua, New Hampshire, to coincide with the establishment of a new Airport Traffic Control Tower at Boire Field on or about March 16, 1981. This designation will provide protection to aircraft executing instrument approaches which have been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect aircraft utilizing the instrument approach.

DATE: Comments must be received on or before March 13, 1981.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 81-NE-02.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 81-NE-02, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 13, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8085. Communications must identify the number of this NPRM.

Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a control zone at Boire Field, Nashua, New Hampshire. The zone will control a portion of airspace approximately 5 miles in radius around the airport and an additional 8 miles extension to the northwest which is 6 miles wide.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of the Federal Aviation Regulations [14 CFR Part 71] as follows:

"Within a 5 mile radius of the center (Latitude 42°-46'-54"N, Longitude 71°-30'-55"W) of Boire Field, Nashua, New Hampshire, and within 3 miles each side of a 303° bearing from the LOWIS NDB extending from the 5 mile radius area to a point 8 miles northwest of the LOWIS NDB. The Boire Field Control Zone will be effective from 0700-2300 hours (local time) daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport Facility Directory."

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have significant impact on a substantial number of small entities.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as amended on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory and Procedures [44 FR 11034; February 26, 1979]. The anticipated impact is so minimal that his action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 4, 1981.

John B. Roach,

Acting Director, New England Region.

[FR Doc. 81-4910 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-3]

Proposed Alteration and Redesignation of Transition Areas; Charlotte and Waxhaw, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Charlotte, North Carolina, Transition Area as follows: (1) Lowers the base of controlled airspace from 1200 to 700 feet AGL north and east of Douglas Municipal Airport, (2) redesignates an extension south of the airport, (3) eliminates an extension northeast of the airport, (4) changes the Rock Hill Municipal Airport name to Bryant Field, (5) lowers the base of controlled airspace from 1200 to 700 feet AGL south of Bryant Field, (6) removes the designated airspace centered on the Jaars-Townsend Airport from the Charlotte description, (7) designates the Waxhaw, North Carolina, Transition Area.

DATE: Comments must be received on or before March 23, 1981.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before March 23, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to increase the basic radius of the 700-foot transition area from 8.5 to 12 miles around Douglas Municipal Airport. With this designation, the transition area would coincide with the lateral boundary and floor of a portion of the Charlotte Terminal Radar Service Area (TRSA). The additional airspace is necessary in order to provide air traffic control service, also called Stage III service, at low altitudes near the airport. Due to changes in instrument flight procedures at Douglas Municipal Airport, the northeast extension is no longer needed and the south extension can be reduced. The reduction would separate the airspace associated with the Jaars-Townsend Airport from the Charlotte Transition Area which necessitates the designation of the Waxhaw Transition Area.

Increasing the basic radius from 6.5 to 8.5 miles around Bryant Field would designate adequate controlled airspace to accommodate the NDB Runway 1 standard instrument approach procedure. The procedure would be supported by a nonfederal nondirectional radio beacon which is proposed for establishment on the airport within nine months.

These changes are necessary in order to provide the required controlled airspace to protect aircraft flight operations.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Charlotte, North Carolina

The present description is deleted and "* * * That airspace extending upward from 700 feet above the surface within a 12-mile radius of Douglas Municipal Airport (Lat. 35°12'53"N., Long. 80°56'18"W.); within 5 miles each side of Fort Mill VORTAC 005° radial, extending from the 12-mile radius area to 1 mile north of the VORTAC; within 9.5 miles northwest and 5 miles southeast of Charlotte ILS localizer southwest course, extending from the 12-mile radius area to 19 miles southwest of TRYON LOM; within an 8.5-mile radius of Bryant Field (Lat. 34°59'05"N., Long. 81°03'30"W.); within a 6.5-mile radius of Gastonia Municipal Airport (Lat. 35°12'00"N., Long. 81°09'05"W.) * * *" is substituted therefor.

Waxhaw, North Carolina

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jaars-Townsend Airport (Lat. 34°51'50"N., Long. 80°44'50"W.).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in East Point, Georgia, on January 29, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-4912 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-NE-39]

Amend the Description of the Concord, New Hampshire 700-Foot Transition Area and Delete the Laconia, New Hampshire 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to amend the Concord, New Hampshire, 700-foot transition area so as to provide additional airspace for radar vectoring in the terminal area.

DATE: Comments must be received on or before March 9, 1981.

ADDRESSES: Send comments to the Federal Aviation Administration, Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 80-NE-39. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

Comments Invited

Interested persons may participate in the proposed rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the Office of the Regional Counsel, ANE-7, Attention: Rules Docket Clerk, Docket No. 80-NE-39, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before March 9, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8085. Communications must identify the number of this NPRM.

Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the description of the Concord, New Hampshire, 700-foot Transition Area so as to provide additional airspace for radar vectoring in the Concord terminal area. This additional airspace, approximately four hundred (400) square miles, encompasses the Laconia, New Hampshire, 700-foot Transition Area and coincident with the publication of the Final Rule on the new Concord 700-foot Transition Area, the Laconia 700-foot Transition Area will be deleted in its entirety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.181 of the Federal Aviation Regulations [14 CFR Part 71] as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the entire description of the Concord, New Hampshire 700-foot Transition Area and substitute in lieu thereof:

"That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°23'00" N 71°11'50" W to43°09'00" N 71°11'50" W to 43°03'00" N 71°05'00" W to 42°50'00" N 71°05'00" W to 42°38'00" N 71°20'00" W to 42°40'00" N 71°35'00" W to 42°43'00" N 71°36'00" W to 42°45'00" N 71°38'25" W to 42°54'30" N 72°00'00" W to 43°41'00" N 72°00'00" W to 43°41'00" N 71°26'00" W to 43°38'00" N 71°14'00" W to 43°34'00" N 71°14'00" W to 43°23'00" N 71°06'00" W to point of beginning, excluding that portion within the Lebanon, New Hampshire; Keene, New Hampshire; and Boston, Massachusetts, transition areas."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Laconia, New Hampshire, 700-foot Transition Area in its entirety.

Note.—It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have significant impact on a substantial number of small entities.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and Sec. 6(c)) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive order 12044, as amended on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory and Procedures [44 FR 11034; February 26, 1979]. The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on February 2, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-4014 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-GL-52]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Ortonville, Minnesota, in order to accommodate a non-directional radio beacon (NDB) Runway 34 instrument approach procedure into the Ortonville Municipal Airport, Ortonville, Minnesota, which was established on the basis of a request from the local Airport officials to provide that facility which instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions from other aircraft operating under visual conditions.

DATES: Comments must be received on or before March 13, 1981.

ADDRESS: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 80-GL-52, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument

procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 80-GL-52, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 13, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Ortonville, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1981, (46 FR 540).

The Proposed Amendment

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Ortonville, Minnesota

That airspace extending upward from 700' above the surface within 6.5 miles of the Ortonville Municipal Airport (latitude 45°18'05"N, longitude 96°25'25"W), extending south 3 miles either side of the 182° bearing from Ortonville Municipal Airport from 6.5 to 8.5 miles, and that airspace extending upward from 1200 feet above the surface from 45°57'00"N, 97°01'00"W counterclockwise along the 26.5 mile arc of the Wahpeton, North Dakota, Airport to the Minnesota State Line; thence south along the Minnestoa State Line to 44°33'00"N, excluding that portion that overlies the Ortonville Municipal Airport 700 foot transition area; thence west to 44°33'00"N, 96°45'00"W; thence northwest to 44°41'00"N, 96°50'00"W, thence counterclockwise along the 26 mile arc of the Watertown, South Dakota, VOR to the Watertown 086° radial; thence west to the 14.5 mile point on the Watertown 086° radial; thence counterclockwise on the 14.5 mile arc of the Watertown VOR to the Watertown 001° radial; thence north to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 80-GL-52, 2300 East Devon Avenue, Des Plaines, Illinois.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Des Plaines, Illinois, on January 27, 1981.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 81-4913 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Invitation to comment on requested exemption from trade regulations rule.

SUMMARY: The Commission is requesting public comment with respect to a request of a business opportunity trade show promoter for an exemption from the requirements of the Franchise Rule.

DATE: Written comments will be accepted until March 12, 1981.

ADDRESS: Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: John M. Tifford, PM-H-272, Federal Trade Commission, 6th & Pennsylvania Avenue, NW, Washington, D.C. 20580, (202) 523-3814.

SUPPLEMENTARY INFORMATION: On December 21, 1978 (43 FR 59614), the Federal Trade Commission promulgated a trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." In general, the rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchisor's business and the proposed franchise relationship. A summary of the rule appears as Appendix A below.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

On September 28, 1979, a petition for exemption pursuant to Section 18(g) was filed by Shulman Promotions, Inc. and Si Shulman.

The petition is reproduced in full in Appendix B.

Briefly stated, Shulman Promotions, Inc., a business opportunity trade show promoter, alleges that an exemption should be granted because: (1) petitioner's business activities were not intended to be covered by the franchise rule; and the interpretive guides' expansion of the rule to categorize petitioner as a "franchise broker" misinterprets the rule; (2) the rule and guides make any "franchise broker" the guarantor for the franchisor's compliance; but this is impossible and cannot be assured by petitioner because it does not have the data, knowledge or capability to compile and verify the accuracy and completeness of the information required to be disclosed by the rule; (3) in order to bring a person within the ambit of the rule's definition of a "franchise broker", such person must act as a sales representative of the franchisor, or actively participate in the sale of franchises, or receive commissions from the franchisor conditioned upon the sale of a franchise. The business activities of petitioner do

not satisfy any of these elements and therefore should not be subject to the rule; (4) the guides for the rule make a generalization that organizers of trade shows at which franchises or business opportunities are offered for sale are "franchise brokers" since they arrange for the sale of franchises. Petitioner does not "arrange for the sale" of franchises or act as a "franchise broker" in the sense that those functions are intended to be defined and covered by the rule; and the guides' conclusion is not supported by an evidence on the record, is inconsistent with evidence which is on the record and was not the subject of notice, hearing or inquiry; and (5) the guides' interpretation of the term "franchise broker", if permitted to stand, will destroy petitioner's business and would eliminate a significant channel of information exchange to the detriment of prospective sellers and buyers of franchises.

For a complete presentation of the arguments submitted by petitioner, please refer to the full text of its petition set forth as Appendix B.

Prior to making a determination concerning, and in addition to fully considering all comments relating to, the petition for an absolute exemption from the FTC's Franchise Rule, the Commission also seeks comment regarding an exemption conditioned on the petitioner performing certain other acts. So long as the petitioner performed such other specified acts, it would be exempt from the rule. Conversely, whenever petitioner does not perform any one or more of the specified acts, it would not be exempt from the rule.

In other words, in those instances where petitioner chooses to comply with the conditions prerequisite to the exemption, it would be exempt from the rule.

A proposed form of conditional exemption is as follows:

Under the terms of the proposed conditional exemption, petitioner would be exempt from franchise rule coverage as a franchise broker for a trade show in which each of the following four requirements are met:

(1) No exhibitor shall be permitted to attend a promoter's trade show without having furnished to the promoter either of the following documents: (i) a disclosure document, or (ii) an opinion letter from exhibitor's counsel expressly addressed to the promoter and "all prospective investors" stating that counsel is familiar with the franchise rule and its interpretations and has concluded that the exhibitor is not covered by the FTC franchise rule. At the show, the promoter shall ensure that each exhibitor prominently displays, at the sales location(s) to which it is assigned a copy of the document it has submitted. In addition, the promoter shall provide copies of the opinion letters from exhibitors to members of the public upon request.

(2) If exhibitors submit disclosure document(s), then in such event, promoters will be responsible for verifying that answers to all required information in the document(s) are included and presented in the proper format, but shall not be responsible for the accuracy of such information.

(3) Promoters will be required to give one of the following proposed notices to every person who attends a trade show:

Proposed Notice I

PROTECT YOURSELF BY USING YOUR LEGAL RITHTS *BEFORE* YOU INVEST

The Federal Trade Commission has adopted regulations which give you important legal rights when you are considering an investment in a franchise or business opportunity venture. These rights include:

1. Your right to receive a disclosure statement prepared by the seller which contains information you should know about the seller and the investment opportunity, including copies of all agreements you will be required to sign.

2. Your right to a written explanation of all earnings claims about the sales, income or profits which other investors have realized or which you can achieve by investing in the proposed investment opportunity. This explanation must describe the factual basis and assumptions behind such claims, and include information about the number and percentage of other investors who are known to have done as well. A salesperson's verbal earnings claims, not accompained by the written explanation set forth above, is against the law, and probably also unreliable.

3. Your right to a refund if you were promised one and meet all the conditions for obtaining it.

You must receive all required disclosures *as soon as* you have a serious discussion with the seller about your proposed investment or a salesperson makes any earnings claim to you. In addition, you must receive the disclosures *at least* 10 business days (2 weeks) before you may legally commit yourself to purchase the franchise or business opportunity by paying any money or signing any binding agreement. There are *no exceptions* to this delivery requirement.

These regulations are designed to help you protect yourself by giving you the time and information necessary to investigate the proposed investment thoroughly. No government agency has checked the accuracy of the disclosures or determined whether the proposed investment is a good one. It is up to you to do so.

There may be a few business opportunity sellers that are not covered by the disclosure requirements. This does not mean that their proposed investments are any better or worse than those for which disclosures are available. However, if you are considering an investment in a business that does not provide disclosures, you would be well advised to obtain as much information as possible about the venture before making a final investment decision. A look at the disclosures provided by other companies will suggest a number of important questions you should consider asking in order to protect yourself.

If a salesperson tells you that the company is not required to provide disclosures, ask to see the letter from the company's attorney that says so. This letter must be displayed "prominently" at the company's sales booth(s) or location(s). If it's not there, contact a representative of the trade show promoter at the entrance. The promoter is required to provide you with a copy upon request; or

Proposed Notice II

BEFORE YOU BUY . . .

A Federal Trade Commission Rule gives you important legal rights as you plan to buy a franchise or business opportunity.

WHAT THE SELLER MUST GIVE YOU:

1. A written statement that tells you important information about the seller and the business offered to you.

2. Copies of all agreements you will have to sign.

3. A written explanation of any claims about how much money you might earn if you buy the business. Verbal promises the seller makes aren't good enough—in fact, they're illegal and almost sure to be wrong. The Rule requires the seller to give you details about earnings claims *in writing*. This written statement must provide details about the number and percentage of other buyers who have succeeded as the seller claims.

WHEN THE SELLER MUST GIVE YOU THIS INFORMATION:

As soon as you talk seriously with the seller about buying the business, or

As soon as the seller makes an earnings claim, but

Always at least 10 business days (2 weeks) before you agree to buy.

There is *no* exception to this Rule.

WHY THIS INFORMATION IS IMPORTANT:

1. It will help you compare franchise and business opportunities offered by other sellers. With this information in hand, you can take the time to compare what you'll get for your money. You can take the time to ask questions and get the facts.

2. It will help you find out if the business you plan to buy is worth the money you'll pay. No government agency can check out whether the seller's offer is a good one—it's all up to you. Check out the information in the written statements on your own or with the help of a lawyer or an accountant.

WHAT IF THE SELLER SAYS HE'S NOT COVERED?

Ask for a copy of his lawyer's letter that says the seller isn't covered by the FTC's Rule. The Rule requires the seller to clearly display his lawyer's letter at the sales booth or sales location. If it *isn't* clearly displayed, ask for it or tell the trade show promoter—he must give you a copy.

Some sellers aren't covered by the FTC's Rule, but that doesn't mean you'll get a better or worse deal. *Before* you buy, get as much information as possible.

If the seller doesn't comply with the FTC's Rule, write to the FTC, Washington, D.C. 20580.

and;

(4) The promoter shall keep a record of all exhibitors together with the disclosure documents or opinion letters for each exhibitor. Such record must be made available to the Commission or its staff upon reasonable notice.

In assessing the present exemption request, five fundamental issues also should be considered. These concern (1) whether, and to what extent, the petitioning person or class, or groups for whose benefit the petitioning person or class arranges trade shows, has engaged in unfair or deceptive acts or practices the occurrence of which is the subject of the rule, (2) if there is little or no evidence of abuses, whether there are significant structural or operational differences between the petitioning group and other persons covered by the rule that may account for that fact, (3) if, regardless of whether the petitioning party seeks an exemption for itself only or alternatively, for all members of an industry, whether a factual showing has been made pertaining to all members of an industry and not merely to the petitioner, such that treatment as a "class" is appropriate. In other words, are there distinguishing characteristics associated with the petitioning person or a class that explain the absence of significant past abuses (if such is the case) and make it unlikely that such person or class will engage in the future in the acts or practices to which the rule is addressed, (4) if appropriate, whether an exemption should be limited to the petitioners or made applicable to a class such as all franchise or business opportunity trade show promoters, and if the latter, whether the class sharing the characteristics that make applicability of the rule unnecessary is properly defined, and (5) should the Commission properly consider conditional exemptions from its Trade Regulation Rules, and if so, whether the conditional exemption set forth in this Notice is in the public interest or should be modified in any manner. In addition, the Commission desires comment on the question of which of the two proposed notices to trade show attendees (or any alternative notice) should be required if a conditional exemption as described herein is found to be warranted.

The Commission has analyzed the arguments made by petitioner and concluded that further inquiry is warranted before a determination regarding the petition can be made. The Commission, therefore, seeks comment regarding the issues raised by this proceeding.

All persons are hereby notified that they may submit written data, views or argument on any issues of fact, law or policy that may have some bearing on the requested exemption, without regard to whether or not such issues have been raised by the petition or in this notice. Such submissions may be made for thirty days from the date of this notice to the Secretary of the Commission.

Written comments will be accepted until March 12, 1981. Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th and Pennsylvania Ave., NW., Washington, DC 20580.

Comments should be identified as "Shulman Promotions, Inc. Franchise Rule Exemption Comment" and, if possible, submitted in three copies.

By direction of the Commission.

Carol M. Thomas,

Secretary.

Appendix A—Franchise Rule Summary

The Franchise Rule, which is formally titled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," [16 CFR Part 436.] has been promulgated in response to widespread evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the Rule. These practices often are able to exist because prospective franchisees lack a ready means of obtaining essential and reliable information about the business in which they are asked to invest their money and, frequently, their labor. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons.

The Rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franschise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is consummated and (ii) by means of disclosure documents whose form and content are set forth in the Rule.

The Rule requires disclosure of material facts. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises.

A. Businesses Covered by the Rule [§ 436.2(a)]

Either of two types of continuing commerical relationships are defined as a "franchise" and covered by the Rule.

The first type involves three characteristics: (1) the franchisee sells goods or services which meet the franchisor's quality standards (in cases where the franchisee operates under the franchisor's trade mark, service mark, trade name, advertising or other commercial symbol designating the franchisor ("mark")) or which are identified by the franchisor's mark; (2) the franchisor exercises significant control over, or gives the franchisee significant assistance in, the franchisee's method of operation; and (3) the franchisee is required to make a payment of $500 or more to the franchisor or a person affiliated with the franchisor at any time before to within six months after the business opens.

The second type also involves three characteristics: (1) the franchisee sells goods or services which are supplied by the franchisor or a person affiliated with the franchisor; (2) the franchisor secures accounts for the franchisee, or secures locations or sites for vending machines or rack displays, or provides the

services of a person able to do either; and (3) the franchisee is required to make a payment of $500 or more to the franchisor or a person affiliated with the franchisor at any time before to within six months after the business opens.

Relationships covered by the Rule include those which are within the definition of "franchise" and those which are represented as being within the definition when the relationship is entered into, regardless of whether, in fact, they are within the definition.

The Rule exempts (1) fractional franchises; (2) leased department arrangements; and (3) purely verbal agreements. The Rule excludes (1) relationships between employer/employees, and among general business partners; (2) membership in retailer-owned cooperatives; (3) certification and testing services; and (4) single trademark licenses.

B. The Disclosure Document [§ 436.1(a)]

All franchisors must furnish the document described in this section. The disclosure document requires information on the following 20 subjects:

1. Identifying information about the franchisor.
2. Business experience of the franchisor's directors and key executives.
3. The franchisor's business experience.
4. Litigation history of the franchisor and its directors and key executives.
5. Bankruptcy history of the franchisor and its directors and key executives.
6. Description of the franchise.
7. Money required to be paid by the franchisee to obtain or commence the franchise operation.
8. Continuing expenses to the franchisee in operating the franchise business that are payable in whole or in part to the franchisor.
9. A list of persons who are either the franchisor or any of its affiliates, with whom the franchisee is required or advised to do business.
10. Realty, personalty, services, etc. which the franchisee is required to purchase, lease or rent, and a list of any persons from whom such transactions must be made.
11. Description of consideration paid (such as royalties, commissions, etc.) by third parties to the franchisor or any of its affiliates as a result of a franchisee's purchase from such third parties.
12. Description of any franchisor assistance in financing the purchase of a franchise.
13. Restrictions placed on a franchisee's conduct of its business.
14. Required personal participation by the franchisee.
15. Termination, cancellation and renewal of the franchise.
16. Statistical information about the number of franchises and their rate of terminations.
17. Franchisor's right to select or approve a site for the franchise.
18. Training programs for the franchisee.
19. Celebrity involvement with the franchise.
20. Financial information about the franchisor.

The disclosures must be made in a single document, with a cover sheet setting forth the name of the franchisor, the date of issuance of the document, and a statement—whose text is set forth in the Rule—advising the prospective franchisee of the contents and purpose of the document. The document may not include information other than that required by the Rule or by State law not preempted by the Rule. However, the franchisor may furnish other information to the prospective franchisee which is not inconsistent with the material set forth in the disclosure document.

The disclosure document must be given to a prospective franchisee at the earlier of either (1) the prospective franchisee's first personal meeting with the franchisor, or (2) ten days prior to the execution of a contract or payment of consideration relating to the franchise relationship. At that time, the franchisor or franchise broker must give the prospective franchise copies of the franchisor's standard franchise agreement.

The information in the disclosure document must be current as of the completion of the franchisor's most recent fiscal year. In addition, a revision of the document must be prepared quarterly whenever there has been a material change relating to the franchise business of the franchisor.

C. Earnings Claims [§ 436.1(b)–(e)].

The Rule prohibits earnings representations about the actual or potential sales, income, or profits of existing or prospective franchisees unless (i) reasonable proof exists to support the accuracy of the claim, (ii) the franchisor has in its possession, at the time the claim is made, information sufficient to substantiate the accuracy of the claim, (iii) the claim is geographically relevant to the prospective franchisee's proposed location (except for media claims) and (iv) an earnings claim disclosure document is given. The earnings claim document must contain six items:

1. A cover sheet in the form specified in the Rule.
2. The earnings claim.
3. A statement of the bases and assumptions upon which the earnings claim is made.
4. Information concerning the number and percentage of outlets that have earned at least the amount set forth in the claim, or a statement of lack of experience, as well as the beginning and ending dates of the time period covered by the claim.
5. A mandatory caution statement, whose text is set forth in the rule, conerning the likelihood of duplicating the earnings claim.
6. A statement that information sufficient to substantiate the accuracy of the claim is available for inspection by the franchisee (except for media claims).

Prospective franchisees must be notified of any material changes in the information contained in the earnings claim document prior to becoming a franchisee.

D. Acts or Practices Which Violate the Rule.

It is an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act for any franchisor or franchise broker:

1. to fail to furnish prospective franchisees, within the time frames established by the Rule, with a disclosure document containing information on 20 different subjects relating to the franchisor, the franchise business and the terms of the franchise agreement [§ 436.1(a)];
2. to make any representations about the actual or potential sales, income, or profits of existing or prospective franchises except in the manner set forth in the Rule [§ 436.1(b)–(e)];
3. to make any claim or representation (such as in advertising or oral statements by salespersons) which is inconsistent with the information required to be disclosed by the Rule [§ 436.1(f)];
4. to fail to furnish prospective franchisees, within the time frames established by the Rule, with copies of the franchisor's standard forms of franchise agreements and copies of the final agreements to be signed by the parties [§ 436.1(g)]; and
5. to fail to return to prospective franchisees any funds or deposits (such as down-payments) identified are refundable in the disclosure document [§ 436.1(h)].

Violators are subject to civil penalty actions brought by the Commission of up to $10,000 per violation.

The Commission believes that the courts should and will hold that any person injured by a violation of the Rule has a private right of action against the violator, under the Federal Trade Commission Act, as amended, and the

Rule. The existence of such a right is necessary to protect the members of the class for whose benefit the statute was enacted and the Rule is being promulgated, is consistent with the legislative intent of the Congress in enacting the Federal Trade Commission Act, as amended, and is necessary to the enforcement scheme established by the Congress in that Act and to the Commission's own enforcement efforts.

E. State Franchise Laws.

The Commission's goals are to create a minimum Federal standard of disclosure applicable to all franchisor offerings, and to permit States to provide additional protection as they see fit. Thus, while the Federal Trade Commission Trade Regulation Rules have the force and effect of Federal law and, like other Federal substantive regulations, preempt State and local laws to the extent that these laws conflict, the Commission has determined that the Rule will not preempt State or local laws and regulations which either are consistent with the Rule or, even if inconsistent, which would provide protection to prospective franchisees equal to or greater than that imposed by the Rule.

Examples of State laws or regulations which would not be pre-empted by the Rule include State provisions requiring the registration of franchisors and franchise salesmen, State requirements for escrow or bonding arrangements and State required disclosure obligations exceeding the disclosure obligations set forth in the Rule. Moreover, the Rule does not affect State laws or regulations which substantively regulate the franchisor/franchisee relationship, such as termination practices, contract provisions and financing arrangements.

F. The Uniform Franchise Offering Circular.

The Uniform Franchise Offering Circular ("UFOC") now is accepted in satisfaction of the disclosure requirements in the 14 States which have franchise registration and disclosure laws. The UFOC format is not identical to the disclosure format prescribed in the Rule. For example, there are minor differences in language on similar disclosure requirements; there are subjects about which the UFOC requires more disclosure than the Rule, and subjects where the Rule requires more disclosure than the UFOC. Even though the two documents are not identical in language, they are quite similar; in any event, both documents are designed to achieve the same result regardless of any minor variations in the means used to reach that result. Accordingly, the Commission will permit franchisors to use the UFOC format in lieu of the disclosure document provided by the Rule. This alternative use is limited to the UFOC version adopted by the Midwest Securities Commissioners Association, Inc., on September 2, 1975 plus any modifications thereof which do not diminish the protection accorded to the prospective franchisee which may be made by a State in which such registration has been made effective.

Certain provisions of the Rule still will control even if the UFOC format is used in lieu of the Rule's disclosure document, such as: (i) the persons required to make disclosure; (ii) transactions requiring disclosure; (iii) the timing of the disclosure; and (iv) the types of documents to be given to prospective franchisees.

The Commission's decision to permit use of a State disclosure document in lieu of its own document does not constitute Commission deferral to State law enforcement. The Commission is expressly providing for concurrent jurisdiction between the Commission and the States in appropriate instances. The Commission's action does not and is not intended to deprive the Commission of its responsibility to determine whether particular franchisors have complied with the Rule.

Appendix B

September 28, 1979.

Before the Federal Trade Commission.

In the Matter of the Federal Trade Commission's trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (16 CFR 436).

Petition of Shulman Promotions, Inc. and Si Shulman, individually, for an interpretive opinion and ruling of exemption, and, in the alternative, a reopening of rule making proceedings.

I.

Petitioners Shulman Promotions, Inc., a corporation, and Si Shulman, an individual, both having principal offices at Plaza Suite, 7881 Reading Road, Cincinnati, Ohio 45237, hereby petition the Federal Trade Commission to issue an interpretive opinion or order finding or ruling that the subject rule does not apply to Petitioner's business activities as described herein, and to exempt Petitioners' business activities from coverage by the subject rule pending the issuance of an order or interpretive opinion, or, in the alternative, to reopen hearings and to withdraw or stay the effectiveness of certain portions of the rule and the guidelines issued in connection therewith until such additional hearings in connection with the rule are held, and sufficient evidence is found, to establish a basis in fact and in law upon which the respective Petitioner's business and livelihood should be regulated out of existence.

In support of this Petition, Petitioners represent as follows.

Petitioner Shulman Promotions, Inc. has conducted "own your own business" exhibitions for approximately twelve years. Petitioner Si Shulman is the founder and Chief Officer of Shulman Productions, Inc. Since its formation in 1966 he has been engaged full time in managing the conduct of its business, and he derives his only source of income and livelihood from it.

Petitioners organize business opportunity expositions by securing suitable exhibition space in various cities and informing potential exhibitors of the scheduled time and location, and that booth space is available. Exhibitors wishing to advertise, display, offer or sell their business opportunity offerings purchase space from Petitioners who typically arrange to furnish exhibitors with a booth, background drapes and side curtains, a display sign, table and chairs, exhibitor identification badge and complimentary admission tickets, ashtrays, waste baskets, and ice water. In return, exhibitors pay a booth rental payment which is uniform for all exhibitors and is a price set in advance. Petitioners thereafter publicize the time and place of the exhibition through advertisements in local newspapers or other media reaching the general public. People interested in attending the exhibition and to obtain information about the exhibited business opportunities are thereby informed of the opportunity and do so, and those that do are charged an admission price of either two or three dollars.

Neither Petitioner does or has ever derived any compensation or revenue from any exhibitor other than for payment for space occupied; such payments are not determined by or conditioned upon whether or not any sales are made by exhibitors to the public.

Petitioners have never participated in the sale of any business advertised or on display at their business exhibitions. Their function is entirely confined to renting of space and announcing that business opportunities will be displayed.

Petitioners do not participate in the development, preparation, or creation of the businesses exhibited. They are not retained or paid to consult, advise, review or otherwise participate in

advertising of the exhibitor's business offerings. They do not recommend that the public purchase any specific business offering. They do not get involved in negotiations between prospective sellers and buyers. They do not undertake any review or evaluation of the merits of the business offerings nor do they make any representation that they have.

Petitioners do no offer, sell, or participate in making offers to buy or sell franchises or businesses to the public; they do not receive commissions for sales made of any franchise; they are not agents or representatives of exhibitors. They do not maintain a permanent showroom. They do not identify themselves as business or franchise consultants.

They do provide a forum for the exchange of information.

They do engage in the business of organizing or promoting "a trade show in which franchises or business opportunities are offered for sale." Therefore, they are, according to the final interpretive guides of the rule, classified as "franchise brokers" under the rule, and they must comply with the requirements and prohibitions of the rule as they relate to "franchise brokers" or be subject to the government and private enforcement and damage actions and other sanctions and remedies provided by the rule and the Federal Trade Commission Act. Petitioners contend that such a construction of the rule is erroneous and arbitrary.

II.

The background and development of the rule show that Petitioners' business activities were not intended to be covered by it, and that the guides' expansion of the rule to categorize Petitioners as "franchise brokers" misinterprets the rule.

As originally issued on November 10, 1971, the proposed rule required that disclosures be made "at the time when contact is first established between such prospective franchisee and the franchisor or its representative." The term "representative" was not defined in the original proposal beyond deeming that a franchisee selling an interest in a franchise for his own account shall be the franchisor's representative. The term "franchise broker" appears nowhere in the original proposed rule.

A revised proposed rule was published in the **Federal Register** of August 22, 1974. It provided that disclosures where to be made at the first personal meeting, for the purpose of discussing the possible sale of a franchise, which occurred between a prospective franchisee and the franchisor or its *sales* representative.

The term "sales representative" was in no way define by the revised proposed rule, and the reference to a franchisee's sale on its own account as stated in the original rule was deleted. By implication, disclosures were to be made by the franchisor or its sale representative.

Again, the term "franchise broker" appears nowhere in the revised proposal rule.

On December 21, 1978, the final version of the rule was issued and published along with a statement of basis and purpose and a set of proposed interpretative guides designed to help persons subject to the rule "understand their compliance obligations under the rule," and, concomittently by implication to serve notice to such persons of their exposure to enforcement action if the guides were not followed.

The term "franchise broker" appeared at this final juncture for the first time in the seven year history of the rule; and responsibility for compliance with the rule and for providing all of the required disclosures was placed upon both franchisors and franchise brokers.

Under the rule as interpreted by the guides, "The requirements of the rule apply jointly to both the franchisor and the franchise broker." Either may satisfy the disclosure requirements of the rule by furnishing the required disclosure documents, and "compliance by one will constitute compliance by the other." Conversely, total or partial failure of compliance or attempted compliance by one will constitute failure to comply by the other.

Under the rule's standard of joint responsibility and liability, and franchise broker that relies on a franchisor to make disclosures in the manner, form and at the time required by the rule does so at his peril. If the franchisor does not timely comply completely and accurately, whether such failure by full, partial, knowing or inadvertent, the franchise broker is in violation of the rule and shares liability. The rule and guides thereby make any "franchise broker" the guarantor and surety for the franchisor's absolute compliance, but this is impossible and cannot be assured by an independent franchise broker because, as the rule is constructed, only the franchisor, by controlling its conduct and having its resources of knowledge and data, is capable of complying with the rule.

A "franchise broker" was defined in § 436.1(j) to mean any person other than a frachisor or a franchisee "who sells, offers for sale, or arranges for the sale of a franchise." (The word "arranges" or the term "arranges for the sale" were not defined.) At the same time the term "sales representative" was dropped from this section of the rule, in effect, substituting the "franchise broker" for "sales representative."

In apparent recognition of a need to explain the new—substituted—language in the rule, and most likely in anticipation of a charge that the such new substituted language and compliance responsibilities exceeded permissible bounds by creating new obligations for persons and functions not previously covered and not given fair and proper notice, the statement of basis and purpose (at footnote 126) attempts to justify the specific inclusion of compliance responsibilities for "franchise brokers", as newly defined at this late stage of the administrative process, through the rationale that:

> The term "franchise broker" has been expressly set out herein so as to clarify the inclusion of this term within the phrase "sales representative" of the franchisor. It was the Commission's intent to include "franchise brokers" within the intent to include "franchise brokers" within the meaning of the phrase "sales representative" of the franchisor both within the first proposed rule (App. B) and the revised proposed rule (App. C), as discussed in the definition of franchise broker (§ 436.2(1)), infra.

Thus, possibly to avoid improperly adding new regulatory features and compliance responsibilities to new categories of regulated persons and business activities, the Commission clearly stated that "franchise brokers" were intended to be defined as persons that fairly could be described and considered as functioning as active "sales representatives of the franchisor."

No other fair conclusion can be drawn from this other than that the rule was intended to apply to persons who represent the franchisor in the sale of the franchisor's franchises (whether or not denominated "sales representatives" or "franchise brokers").

Further support to this position, and to Petitioner's claim that they are not subject to the rule, is provided in the portion of the statement of basis and purpose relating to the rule's definition of "franchise broker" (sec. 436.2(j)) which says that:

> This definition is intended to make clear that a franchise broker is defined by the rule as a person (other than a franchisor or a franchisee) who "sells", offers for sale, or arranges for the sale of a franchise to a franchisee. The public record clearly indicates that franchisees *who purchase franchises from franchise brokers or promoters* need protection as much as those

who purchase from the franchisor itself. The public record contains materials which indicate that franchisees *who purchased their franchises from "franchise brokers"* have suffered serious financial losses. This definition is also necessary from the standpoint of clearly identifying the relationship between the franchisor and the franchise broker. Given that *such persons act on behalf of the franchisor, and receive their commission from the franchisor only if a sale is made the Commission has placed them within the ambit of the rule.* (Italics added.)

These excerpts from the statement of basis and purpose lay down three elements that must be satisfied to bring a person within the ambit of the rule's definition of a "franchise broker":

(1) Such person must act as a sales representative of, and on behalf of, the franchisor;

(2) Such person must actively participate in the sale of franchises to franchisees;

(3) Such person must receive commissions from the franchisor conditioned upon a sale of the franchise.

The business activities of Petitioners do not satisfy any of these elements and accordingly should not be subject to the rule. This would appear to be clear and indisputable but is contradicted by additional expansive, inconsistent, and yet more new language, apearing for the very first time in the final interpretive guides published August 24, 1979.

The proposed interpretive guides, published concurrently with the final rule on December 21, 1978, defines a "franchise broker" in the words of the rule itself, without embellishment. However, and this provides the crux of Petitioners' objection, the final interpretive guides, promulgated by publication in the **Federal Register** of August 24, 1979, adds a new sentence, never before appearing in any previous version of the rule, the guides or the statement of basis and purpose during its eight year history, which says:

> An organizer or promoter of a trade show in which franchises or business opportunities are offered for sale is a "franchise broker" within the meaning of the rule, since such person "arranges" for the sale of franchises.

In this last-minute statement, the final interpretive guides make the sweeping generalization that all organizers of trade shows at which business opportunities are offered for sale fall into the category of "franchise brokers" under the rule.

Petitioners are in the business of organizing shows in which business opportunities are offered for sale, but they in no way arrange for the sale of franchises or act as franchise brokers in the sense that those functions are intended to be defined and covered by the rule. The guides' contrary conclusion is not supported by any evidence on the record, is inconsistent with that which is (see notes 175–178, statement of basis and purpose), is patently false as applied to Petitioners' activities, was not the subject of notice, hearing, or inquiry, and goes far beyond permissible discretionary bounds allowable in a rule making proceeding.

This interpretation, if applied to Petitioners' business activities as previously described, either misinterprets the rule or amends and modifes it through enlargement and expansion. If this interpretation is permitted to stand and apply to Petitioners, it will destroy their business. It would eliminate, in contravention of constitutional guarantees to the right of free commercial speech, a significant channel of advertising and information exchange to the detriment of Petitioners and prospective sellers and buyers of business offerings. It will arbitrarily discriminate against one advertising medium as against others that functionally are indistinguishable (as, for example, newspapers, magazines and publications of the government itself). And it will have these consequences without having provided Petitioners with fair, proper or adequate notice and opportunity to be heard.

Whether the guides misinterpret the rule or enlarge and modify it, Petitioners will, in either instance, suffer injury as a consequence of the failure to promulgate the rule and/or guides in accord with applicable administrative procedures, principles of due process of law, and constitutional guarantees.

III.

Based on the foregoing, Petitioners hereby request that the Commission issue a ruling or an advisory opinion stating that Petitioners, in the exercise of the business activities as described herein, are not "franchise brokers" under the rule, or in the alternative, to reopen the trade regulation rule hearings to hear evidence on the issues raised in this Petition, and in the interim, pending the conclusion of such proceedings or issuance of such ruling or opinion, exempt Petitioners from the compliance obligations of the rule and guidelines.

Respectfully submitted,

Jerry H. Opack,

Attorney for Petitioners.

[FR Doc. 81-4963 Filed 2-11-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 240

[Release No. 34-17517; File No. S7-871]

Proposed Amendments to Proxy Rules and Provisions Relating to Shareholder Communications Generally

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to rules, regulations and schedules.

SUMMARY: The Commission is publishing for comment proposed rule, regulation and schedule amendments relating to disclosure of (1) business and other relationships between a director and the issuer, (2) full board consideration of shareholder nominations, (3) the vote needed for election to office, (4) management indebtedness and remuneration, and (5) beneficial ownership, as well as (6) certain amendments affecting shareholder proposals. The proposed amendments are intended to improve disclosure and to reduce compliance burdens on registrants.

DATE: Comments must be received on or before May 15, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-871. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Stephen W. Hamilton (202) 272-2390, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today published for comment certain proposed amendments to Regulation 14A (17 CFR 240.14a-1 et seq.) and Schedule 14A (17 CFR 240.101) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq. (1976 and Supp. I 1977)), as well as to Regulation S-K (17 CFR 229.20). These schedule, rule and regulation proposals include: (1) amendments to Item 6(b) of Schedule 14A concerning relationships of directors; (2) amendments to Item 6(b) of Schedule 14A concerning full board consideration of shareholder nominations; (3) amendments to Item 22

of Schedule 14A regarding the vote required for approval of certain matters; (4) amendment to Item 4(e) of Regulation S–K concerning management indebtedness and to Item 4(d) of Regulation S–K and Item 9 of Schedule 14A with respect to remuneration disclosure; (5) amendments to Item 6 of Regulation S–K regarding beneficial ownership,[1] and (6) amendments to Rule 14a–8 (17 CFR 240.14a–8) concerning proposals of security holders.

For the most part, the proposed amendments reflect efforts to address points raised by the written comments received in response to inquires made in an interpretive release on Item 6(b),[2] and to implement some of the recommendations contained in the *Staff Report on Corporate Accountability* issued by the Division of Corporation Finance in September 1980.[3] Certain proposed amendments to the uniform disclosure provisions of Regulation S–K also have been included in this release because of their particular relevance to shareholder communications. Generally speaking, the Commission believes that the proposed amendments, which are discussed below, will improve or maintain the quality of disclosure and will reduce compliance burdens. The Commission anticipates that any final action on these proposals will be effective for the 1982 proxy season.

Pursuant to 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendments proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

I. Item 6(b) Disclosure of Relationships

Adopted in 1978, Item 6(b) of Schedule 14A applies when action is to be taken with respect to the election of directors and requires disclosure of certain significant personal and economic relationships between a director or director nominee (collectively, for purposes of the Item 6(b) discussion, a "director") and the issuer. In adopting this provision, the Commission stated that the nature and scope of a director's relationship with an issuer can bear on a director's capacity to render independent judgment, and therefore information regarding such relationship should be furnished to shareholders when they exercise their franchise.[4]

The *Staff Report* made certain recommendations with respect to Item 6(b), and this release proposes some of these changes, which generally should reduce the costs of compliance while preserving the benefits of item 6(b) disclosures. In addition, the Commission recognizes that there has been some confusion regarding the relationship of Item 6(b) and Item 4(f) of Regulation S–K, mainly because both Item 6(b) and Item 4(f) require disclosures relating to certain transactions between entities. Accordingly, the Commission is issuing this release to provide additional guidance [5] in this area and also is seeking comment on whether it is desirable or appropriate to combine the disclosure requirements of Item 6(b) and Item 4(f) into a single, uniform Regulation S–K disclosure item.

A. Relationship of Items 6(b) and 4(f)

Initially, it must be recognized that Item 4(f) of Regulation S–K and Item 6(b) of Schedule 14A originally were adopted to serve differing disclosure functions. While Item 4(f) is designed mainly to elicit information about conflict-of-interest transactions involving management, Item 6(b) seeks information relevant to the ability of directors to render independent judgments in the performance of their duties.

Item 4(f) is derived from a long-standing conflict-of-interest provision which was originally promulgated in 1942 as part of Schedule 14A of the Commission's proxy rules [6] and in 1978 was adopted as part of the uniform disclosure provisions of Regulation S–K.[7] Item 4(f) requires disclosure, in both proxy statements and certain registration statements for the offer and sale of securities,[8] of transactions in which certain individuals affiliated with the issuer (which include, but are not limited to, directors) have "a direct or indirect material interest."

While the Instructions to Item 4(f) provide some guidelines for determining what constitutes a material interest,[9] for the most part this determination is one based on "the significance of the information to investors in light of all of the circumstances of a particular case." [10] Moreover, transactions between business entities (as opposed to an individual and an entity) are disclosable under Item 4(f) only to the extent that a specified individual has an "indirect material interest" in the transaction.[11] Item 4(f) therefore requires disclosure of those transactions in which an individual affiliated with the issuer has a material interest, either directly or through an intermediary entity.

Item 6(b) was adopted as part of the Commission's proxy rules, rather than Regulation S–K. Attention at that time had been focused on the relevance of information regarding director independence to voting, as opposed to investment decisions. A major provision of Item 6(b) is subparagraph (3), which addresses customer, supplier and creditor relationships. The disclosure requirements of Item 6(b)(3) most frequently involve transactions that also must be disclosed under Item 4(f).[12] The various subparagraphs of item 6(b)(3) establish specific criteria for determining which relationships must be disclosed. In other words, Item 6(b)(3) requires disclosure of business relationships between the issuer and another entity which, based on specific thresholds, may bear on a director's independence.

As a result of the differing purposes of Item 6(b)(3) and Item 4(f), these provisions quite appropriately do not

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[1] It should be noted that if the proposed revision of Regulation S–K and the Guides for the Preparation and Filing of Registration Statements and Reports is adopted as proposed, Item 4 and 6 of Regulation S–K will be renumbered as Items 21 and 31, respectively. *See* Securities Act Release No. 6276 (December 23, 1980) [46 FR 78].

[2] Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53425]. The comments received in response to this release are discussed in the *Staff Report on Corporate Accountability* at 73–92.

[3] Division of Corporation Finance, Securities and Exchange Commission, *Staff Report on Corporate Accountability*, 96th Cong., 2d Sess. (Comm. Print 1980) (Senate Comm. on Banking, Housing and Urban Affairs) [hereinafter *Staff Report*].

[4] Securities Exchange Act Release No. 15384 (December 6, 1978) [43 FR 58522].

[5] The Division of Corporation Finance previously has issued an interpretive release on this subject. *See* Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53426]. While the proposed amendments are under consideration, issuers should continue to rely on the interpretations in that release. If the proposed amendments are adopted, all interpretations contained in that release (to the extent they are not incorporated into Item 6(b)) will remain in force, except for Question 12 of that release regarding payments to law firms, which will be rescinded. *See* text accompanying notes 30–31 *infra*.

[6] *See* Securities Exchange Act Release No. 3347 (December 18, 1942) [7 FR 10653].

[7] Securities Act Release No. 5949 (July 28, 1978) [43 FR 34407].

[8] These include registration statements by issuers that are not subject to the Commission's proxy rules, including Item 6(b).

[9] *E.g.*, Instruction 2(c) states that no information need be furnished if the amount involved in the transaction does not exceed $50,000. *See also* note 11 *infra*.

[10] Instruction 10 to Item 4(f).

[11] Instruction 3 to Item 4(f) provides some guidance regarding which entity transactions result in an indirect material interest to a specified individual and therefore must be disclosed. For example, it specifies that a person will not be deemed to have an indirect material interest in a transaction if that interest arises solely from the person's position as a director or less than 10 percent equity holder of another non-partnership entity, or both.

[12] Other provisions of Item 6(b), such as paragraphs (4) and (5) regarding law firms and investment bankers, may also elicit information that is required to be disclosed under Item 4(f).

always require disclosure of the same business transactions.[13] In other instances, however, the Commission is aware that Item 6(b)(3) and Item 4(f) may require disclosure of the very same relationships. While some duplication of disclosure obligations is unavoidable under exisiting provisions since relationships that may affect independence and transactions that result in conflicts of interest are not mutually exclusive, the Commission is aware that this overlap has resulted in some confusion and a desire for consistency by issuers preparing proxy statements.[14]

The Commission recongizes that it would be impossible, consistent with the spirit of Item 6(b), to apply the disclosure standards of that Item to the entity transaction provisions of Item 4(f), and thereby produce a single, comprehensive disclosure provision covering both conflict-of-interest transactions and business relationships which may affect independence. Such a provision presumably would not be limited to proxy statements providing disclosure in connection with voting decisions, but also would encompass registration statements providing disclosure in connection with investment decisions.[15] Such a uniform provision would probably simplify compliance and would be more consistent with the Commission's integrated disclosure system.

The Commission recognizes that no clear dividing line separates that information which is relevent to investment decisions from that which is important to voting decisions.[16] Certain provisions of the proxy rules, notably those relating to audit committees, have already been identified as potentially relevant to an enterprise generally, and consideration has been given to applying those disclosure provisions to registration statements relating to investment decisions as well as to proxy statements relating to voting decisions.[17] Other information about the composition, structure and functioning of a board of directors also could be relevant to an investment decision.[18]

The Commission is interested in exploring possible changes which would simplify and improve its disclosure provisions and therefore is soliciting written comments on whether the type of information required by Item 6(b) is relevent to investment, as well as voting, decisions, and whether a single, uniform Regulation S–K item on conflicts and business relationships should be developed as a component of the integrated disclosure system.

B. Thresholds for Disclosure

In the interim, the Commission is proposing several changes to Item 6(b)(3) to clarify some disclosure provisions and to reduce the costs of compliance. As discussed below, it is proposed to revise certain provisions of existing subparagraphs (b)(3)(iii)–(viii), and to add a new subparagraph (b)(3)(ix).

First, as recommended in the *Staff Report*,[19] the Commission proposes to raise to 5 percent from 1 percent the ownership threshold for disclosure of business relationships between the issuer and an entity in which a director has an equity interest. The Commission believes that a 5 percent ownership standard would lessen the compliance burden on registrants and would allow shareholders to focus more readily on disclosure of more significant relationships.[20]

Second, the Commission is proposing to add a provision to Item 6(b)(3)(viii) which would permit, consistent with previous staff interpretations,[21] the exclusion of amounts due for purchases subject to the usual trade terms in calculating their aggregate amount of indebtedness. Trade debt is more appropriately considered in connection with the calculation of amounts arising from customer and supplier relationships pursuant to Items 6(b)(3)(i)–(ii) and (iv)–(v). This proposed change would result in the consistent treatment of trade debt for purposes of Item 6(b)(3) and Item 4(e) of Regulation S–K.[22] Similarly, Item 6(b)(3)(iii) would be amended, consistent with previous staff interpretations,[23] to refer to the aggregate amount of indebtedness as of the fiscal year end of the issuer. Finally, Item 6(b)(3)(vii) would be amended to permit the exclusion of payments for property or services when the transaction involves the rendering of services as a common or contract carrier, in addition to the existing provision which permits such exclusion when services are performed as a public utility. This change would conform proposed Item 6(b)(3)(vii)(A) with Instruction 2(a)(of Item 4(f) of Regulation S–K.

Third, the Commission is proposing to add Item 6(b)(3)(vii)(C) which would, in computing the aggregate amount of payments for services or property, permit the exclusion of payments made to or received by a "5 percent subsidiary." A 5 percent subsidiary, in turn, is defined as a significant subsidiary under Rule 1–02(v) of Regulation S–X,[24] except that the applicable asset, sales and revenue and income thresholds are 5 percent rather than 10 percent. The 5 percent subsidiary concept reflects an effort, consistent with the recommendation made in the *Staff Report*,[25] to lessen the costs of compliance by permitting the

[13] This point can be illustrated through hypothetical examples. Assume that a director nominee ("D") of the issuer ("I") is also the president and a 50 percent shareholder of a corporation ("S") which sells products to I. In the latest fiscal year the dollar value of materials sold to I amounts to $500,000, or 10 percent of the consolidated gross revenues of S. In the Commission's opinion, the above relationship would result in an indirect material benefit to D and would be the type of business relationship which could affect D's independence. Accordingly, disclosure would be required pursuant to both Item 6(b)(3) and Item 4(f).

If, however, D in the above example was only a director of S, disclosure would be required pursuant to Item 6(b)(3), but could be omitted under Item 4(f) pursuant to Instruction 3(a). Under Commission rules, D's affiliation with S is not so close that D has a material, indirect interest resulting in a disclosure conflict of interest, yet the business relationship is of a sufficient magnitude that D's potential for rendering independence judgment could be affected.

[14] The proper location in proxy statements of information which is responsive to both Items is addressed under "C. Location of information" *infra*.

[15] Such a uniform provision, which could be developed either as a subparagraph of Item 4 or as a separate item of Regulations S–K, presumably also would encompass certain indebtedness transactions involving issuers and "associates" of a director which are currently disclosable under Item 4(e) of Regulation S–K. In this regard, *see* note 22 *infra*.

[16] Item 4(f) illustrates this point, as does Item 3 of Regulation S–K, which requires disclosure of a director's identity, family relationships, business experience, other directorships and involvement in certain legal proceedings. This Item 3 information is relevant to voting, as well as investment, decisions, and is required to be disclosed both in registration statements and, pursuant to Item 6(a) of Schedule 14A, in proxy statements.

[17] The Commission has solicited comments on whether the audit committee information required to be disclosed under the proxy rules should also be included in registration statements filed under the Securities Act of 1933. *See* Securities Act Release No. 6235 (September 2, 1980) [45 FR 63693].

[18] *See, e.g.*, Weiss and Schwartz, "Using Disclosure to Activate the Board of Directors," in *Corporations at the Crossroads: Governance and Reform* 131 (DeMott ed. 1980).

[19] *Staff Report* at 91.

[20] With respect to Item 4(f), *see also* note 11 *supra*.

[21] *See* Question 3 of Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53426].

[22] This change reflects the Commission's belief that a more uniform definition of the term "indebtedness" is desirable. *See Staff Report* at 92. The Commission recognizes that this amendment only partially alleviates the inconsistencies regarding indebtedness which exist between, for example, Item 6(b)(3) and Item 4 of Regulaiton S–K. The entities coverd by the indebtedness provisions of Item 6(b)(3) may differ from those entities which are covered by the use of the term "associate" in Item 4(e). This is another issue which could be resolved by the combination of Item 6(b) and Item 4 disclosure provisions. In this regard, *see generally* the discussion in Part I(A) of this release, "Relationship of Items 6(b) and 4(f)" *supra*.

[23] *See* Question 4 of Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53426].

[24] 17 CFR 210.1–02(v).

[25] *See Staff Report* at 80.

omission of amounts arising out of transactions involving certain *de minimis* subsidiaries. In addition, this proposed exclusion would be available only if all 5 percent subsidiaries engaged in transactions, when considered in the aggregate as a single subsidiary, would not constitute a significant (i.e., over 10 percent) subsidiary under Rule 1–02(v) of Regulation S–X.[26] The aggregation provision [27] recognizes that information regarding transactions with a number of 5 percent subsidiaries may be of importance to shareholders when these subsidiaries in the aggregate represent a material part of the issuer's or other entity's business.

It also appears that the same need to reduce the cost of compliance without impairing the quality of disclosure to shareholders is present with respect to indebtedness transactions. Accordingly, the Commission is proposing to add, in Item 6(b)(3)(viii)(C), a similar 5 percent subsidiary exclusion with respect to calculation of the amount of indebtedness.[28]

Fourth, as recommended in the *Staff Report*,[29] the Commission is proposing to add a new Item 6(b)(3)(ix) which would raise to 5 percent from 1 percent the payment or indebtedness threshold when the only Item 6(b)(3) relationship between the issuer and other entity is the presence of a common nonemployee director. In addition, with respect to Item 6(b)(3)(iii) concerning indebtedness, the alternative $5,000,000 threshold would be eliminated in the common nonemployee director context. These changes again reflect an effort to reduce the costs of compliance consistent with the shareholder's need to receive important information regarding independence. While the Commission continues to believe that a common nonemployee director relationship may have a bearing on a director's ability to exercise independent judgment, the Commission does recognize that, in the context of this more limited affiliation, the magnitude of the business relationship may need to be greater than the present 1 percent standard (or, in the case of indebtedness, $5,000,000).

Finally, it is proposed to add provisions to Items 6(b)(4) and 6(b)(5), which govern disclosure of law firm and investment banker relationships, that would permit the omission of the specific dollar amount of payments made by the issuer to the law firm or investment banker when this amount does not exceed $50,000.[30] The staff, to date, has interpreted Item 6(b)(4) to require disclosure of such amounts when a director is a member or employee of, or is associated with, a law firm.[31] Upon reconsideration, the Commission believes that disclosure of the dollar amount of relatively insignificant payments not exceeding $50,000 is not necessary, provided of course that the law firm or investment banker relationship itself continues to be described. In this regard, issuers should be reminded that Item 6(b)(4) covers "of counsel," "counsel" and similar arrangements with a law firm.

C. Location of Information

As was noted in the *Staff Report*,[32] despite the fact that Item 6(b) specifically states that information disclosed thereunder should be presented "in tabular form to the extent practicable" and that previous staff interpretations have stated that information regarding relationships should be presented along with, or in close proximity to, other information about directors,[33] in many instances Item 6(b) information has been disclosed several pages away from the tabular Item 6(a) information about directors or otherwise has been obscured.[34]

The Commission believes that information bearing on a director's independence can be utilized most meaningfully when this information is presented in reasonable proximity to other background data on directors. Therefore, the Commission is proposing to amend the prefatory language of Item 6(b) to require that information disclosed thereunder be presented "in reasonable proximity" to the other tabular disclosures about directors. This amendment would confirm the staff position that Item 6(b) information should be disclosed with, or in close proximity to, the table containing other director information, and, at a minimum, should be disclosed in the same section of the proxy statement that contains such table.

It also should be noted that, when Item 6(b) information also is required to be disclosed pursuant to another provision, the required disclosure need be made only once but should in that instance be made in reasonable proximity to the tabular information about directors. As appropriate, cross-references to this disclosure may then be placed elsewhere in the proxy statement.[35]

II. Full Board Consideration of Shareholder Nominations and the Vote Required to Elect Directors

Two changes to the Commission's existing disclosure requirements are being proposed in an effort to enhance shareholder participation in the corporate electoral process. The first of these proposed amendments relates to whether an issuer's full board of directors considers shareholder nominations in the absence of a nominating committee.

At present, Item 6(d)(2) requires disclosure of whether a nominating or similar committee will consider shareholder nominations and, if so, the procedures to be followed by shareholders in submitting nominations. This Item does not, however, specifically require disclosure of whether the issuers's full board of directors, as opposed to a committee of the board, considers shareholder nominations. For those companies who have not established nominating committees, the lack of an explicit disclosure requirement concerning

[26] For example, under proposed subparagraph (vii)(C), if a specified entity made payments for property or services to a subsidiary constituting 3 percent of the issuer's consolidated assets and to a subsidiary constituting 5 percent of the issuer's consolidated assets, the amount of these payments could be disregarded in determining whether disclosure need be made under Item 6(b)(3)(i). If, however, such entity made payments to a single subsidiary constituting 6 percent of the issuer's consolidated assets, the amount of these payments would be included in an Item 6(b)(3)(i) computation.

Similarly, if such entity made payments to three subsidiaries each of which constituted 4 percent of the issuer's consolidated assets, these payments would be considered under subparagraph (b)(3)(i), since in the aggregate (i.e. 12 percent) these three subsidiaries would be significant under Rule 1–02(v) of Regulation S–X.

[27] This provision is similar to that utilized to determine whether certan information about subsidiaries must be filed as an exhibit to the Annual Report on Form 10–K. *See* Item 7(b)(22) of Regulation S–K, 17 CFR 229.20(7)(b)(22).

[28] For example, if a single subsidiary constituting 5 percent of the issuer's assets was indebted to an entity, the amount of this indebtedness could be disregarded for purposes of subparagraph (b)(iii), while indebtedness to three such subsidiaries would have to be included in the subparagraph (b)(3)(iii) computation. *Cf.* note 26 *supra*.

[29] *See Staff Report* at 91.

[30] It should be noted that this dollar threshold is consistent with the *de minimis* threshold in Item 4(f) of Regulation S–K.

[31] *See* Question 12 of Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53426].

[32] *Staff Report* at 87–88.

[33] *See* Question 11 of Securities Exchange Act Release 16163 (September 6, 1979) [44 FR 53426].

[34] For example, staff review of proxy statements has discovered instances in which the tabular Item 6(a) information was placed in the beginning of a proxy statement, while Item 6(b) information was disclosed without cross-reference as many as 20 pages later in the proxy statement.

[35] *See* Question 13 of Securities Exchange Act Release No. 16163 (September 6, 1979) [44 FR 53426]. For example, when a business relationship disclosable under Item 6(b)(3) is also required to be disclosed under Item 4(f) of Regulation S–K, disclosure of the relationship should be made with the other Item 6(b) information and, if appropriate, a cross-reference to this disclosure placed in that part of the proxy statement containing other Item 4(f) information.

shareholder nominations has created an unintended gap in the information which should be furnished to shareholders. Moreover, there is some evidence that the present lack of a disclosure requirement may even inhibit the formation of nominating committees.[36] The Commission therefore believes that it is appropriate at this time to propose an amendment to Item 6(d)(2) which would explicitly require disclosure of whether, and the procedures to be followed if, shareholder nominations are considered by the issuer's full board of directors.

The second change being proposed by the Commission would require disclosure of the vote required for the election of directors. At present, Item 22 of Schedule 14A specifies that issuers generally must state the vote needed for approval of matters submitted to security holders but permits this disclosure to be omitted with respect to elections to office. As a matter of practice, however, many issuers voluntarily have been disclosing in proxy statements the vote required for election as a director. In view of the recent amendments to the format of the proxy card which enable shareholders to indicate a preference for individual director nominees,[37] the Commission believes it is appropriate to delete the exception in Item 22 for elections to office.[38]

III. Management Indebtedness and Remuneration

A. Disclosure of Nonperforming Loans

Item 4(e) of Regulation S–K requires certain specific disclosures concerning loans made by the issuer in excess of $25,000 or 1 percent of the issuer's total assets, whichever is less, to each director, nominee, officer or associate of such person. If the issuer is a bank, savings and loan association or broker-dealer extending credit under Federal Reserve Regulation T, however, Instruction 3 to Item 4(e) permits the issuer merely to state, if such is the case, that loans to such persons were made in the ordinary course of business on substantially the same terms as those for comparable transactions and did not involve more than the normal risk of collectibility.

The Commission believes that this Instruction permitting abbreviated disclosure by specified financial entities should not be applicable to loans which, although originally made in the ordinary course of business, enter default or evidence serious problems with respect to repayment. In the Commission's view, more complete disclosure about such loans is necessary for informed investment and voting decisions. The policy reasons underlying this abbreviated disclosure exception are no longer applicable when substantial problems arise concerning repayment of the loan. Accordingly, the Commission is proposing to amend Instruction 3 by adding a clause that would limit application of this exception to loans which are not nonperforming. The amended Instruction would define the term "nonperforming loan" in a manner consistent with recently amended Guide 61, "Statistical Disclosure by Bank Holding Companies," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933.[39] Thus, detailed disclosure would be required of loans otherwise subject to the exception in Instruction 3 which (i) are accounted for on a non-accrual basis, (ii) are contractually past due 90 days or more with respect to principal or interest, (iii) have been renegotiated to provide a reduction in principal or interest payments due to a deterioration in the financial condition of the borrower, or (iv) are now current but about which serious doubts exist regarding compliance with repayment terms. By adopting the same definition as in Guide 61, the compliance burden on those issuers already subject to Guide 61 should be minimized.

Beyond its concern regarding disclosure of nonperforming loans, the Commission questions generally whether the exception in Instruction 3 may be resulting in the omission of certain information which is significant in assessing possible conflicts of interest or a director's ability to render independent judgment. Specifically, the Commission notes that the financial schedules applicable to bank holding companies require disclosures regarding indebtedness in excess of $500,000 or 2½ percent of stockholder's equity, whichever is less, which results from loans made to a director, officer, principal holder of equity securities, or associate of such person, notwithstanding the fact that such loans were made in the ordinary course of business.[40] This information, however, ordinarily is not required to be included in proxy statements, reports or prospectuses transmitted to shareholders or prospective investors. Loans of this magnitude, even though made in the ordinary course of business, may reflect relationships which are sufficiently important to influence an investment decision or a shareholder's determination regarding a director's ability to act independently. Moreover, as one commentator stated in response to the then proposed amendments to Schedule I of Rule 9–05, providing information about relationships that are significant in assessing the possibility of conflicting loyalties or the ability to excerise independent judgment is the function of the proxy statement.[41]

In view of the above, the Commission is seeking comments on whether a provision similar to that contained in the financial schedules should be adopted as part of Item 4 of Regulation S–K or as part of the Commission's proxy rules. The Commission also solicits views on whether such a provision would be relevant both to voting and investment decisions, which persons and financial entities such a provision should cover, and whether disclosure of such loans should be made on an individual or aggregate (as a group) basis.

B. Clarification of Remuneration Disclosure Requirements

Items 9, 10 and 11 of Schedule 14A require certain disclosures in a proxy statement if action is to be taken on a bonus, profit sharing, pension, retirement, option or other remuneration plan or arrangement. Paragraphs (d) of Item 9, (d) of Item 10 and (c) of Item 11 call for both the remuneration information required by Item 4 of Regulation S–K and additional five-year remuneration information. Instruction 3(c) to Item 9 (which is incorporated by Instruction 3 to Item 10 and Instruction 3 to Item 11) gives more detailed guidance on the five-year information for option and other arrangements which are covered by Item 4(d) of Regulation S–K.

Item 4 of Regulation S–K, including paragraph (d), was recently amended.[42] In this release, the Commission is

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[36] *Staff Report* at 117.

[37] See Securities Exchange Act Release No. 16356 (November 21, 1979) [44 FR 68764].

[38] *See also* the recent release discussing proxy monitoring data, Securities Exchange Act Release No. 34–17518 (February 5, 1981).

[39] 17 CFR 231.4936. Guide 61 (as well as parallel Guide 3 under the Exchange Act) was amended in Securities Act Release No. 6221 (July 8, 1980) [45 FR 47138].

[40] *See* Schedule I of Rule 9–05 of Regulation S–X, 17 CFR 210.9–05. Certain installment indebtedness may be excluded, and, as a result of recent amendments, aggregate, as opposed to individual, disclosure may be made with respect to indebtedness incurred in the ordinary course of business by directors and their associates who are neither executive officers nor principal security holders. *See* Securities Act Release No. 6195 (March 6, 1980) [45 FR 15925].

[41] Letter from the Association of Bank Holding Companies dated November 21, 1978 (File No. S7–732). It should be noted that this letter did not endorse the specific Schedule I thresholds for proxy statement disclosure purposes.

[42] *See* Securities Act Release No. 6261 (November 4, 1980) [45 FR 78982].

proposing a revision of Instruction 3(c) to Item 9 of Schedule 14A to conform it to the revised Item 4(d), and also a correction of a technical error in Item 4(d) itself.

Proposed Instruction 3(c) would cover both options and stock appreciation rights (and other tandem rights), as does revised Item 4(d). Proposed Instruction 3(c) also would clarify that, as in the past, grant and exercise information is required for the entire period consisting of the last five full fiscal years and any subsequent period through the most recent practicable date, and information on outstanding options and rights is required as of the most recent practicable date. In many situations, revised Item 4(d) no longer requires information for periods or as of dates after the end of the last full fiscal year, but such information will continue to be required under Items 9, 10 and 11 when a remuneration plan is to be acted upon by shareholders. Also, the language of the Instruction would be modified to clarify its meaning in the context of revised Item 4.

Item 4(d)(iv) contains two clauses—(C) and (E)—which each require disclosure of the same thing—the number of stock appreciation rights outstanding as of the most recent practicable date. These clauses are redundant. Clause (C) is proposed to be eliminated, and the remaining clauses (D), (E) and (F) redesignated (C), (D) and (E), respectively.

IV. Modifications Regarding Disclosure of Beneficial Ownership

In Securities Act Release No. 5808 (February 24, 1977) [42 FR 12342] the Commission adopted a definition of the term "beneficial owner" for purposes of Section 13(d) under the Exchange Act, which focuses primarily on possession of voting power or investment power over securities, including possession of a right to acquire certain securities within 60 days.[43] At the same time, the Commission determined to integrate information concerning beneficial ownership of the securities of publicly owned corporations into the Commission's continuous disclosure system. Accordingly, additional disclosure regarding beneficial owners, as defined by Rule 13d-3, or more than five percent of a class of securities and the beneficial ownership of management was required in proxy, information and other statements prepared pursuant to Schedules 14A, 14B (17 CFR 240.14a-102) and 14C (17 CFR 240.14c-101)[44] under the Exchange Act. These same proxy statement disclosure requirements subsequently were adopted as Item 6 (a) and (b) of Regulation S-K and were incorporated into various filings under the Exchange Act and the Securities Act of 1933.[45]

This multiple use of the Rule 13d-3 definition to satisfy the requirement of several sections of the federal securities laws was intended to avoid the necessity of adopting several definitions addressing essentially the same concept.[46] In addition, as with other Regulation S-K items, the Commission believed that these standardized provisions would reduce the registrant's costs of compliance with the disclosure requirements.

The Commission is aware that the Rule 13d-3 definition has produced somewhat complex and confusing disclosure in certain proxy statements. For example, application of the Rule 13d-3 definition can lead to the anomalous result of disclosing beneficial ownership of more than 100 percent of a class of securities in certain situations,[47] and to the need for lengthy footnotes to explain such disclosure.

The Commission also recognizes that certain of these disclosure difficulties could be minimized if an ownership test focusing exclusively on voting power were adopted. Indeed, the Commission previously has solicited comment on whether the disclosure required by Item 6 of Regulation S-K should be given solely with regard to voting power, particularly in the context of proxy statements.[48]

Although there has been some support from commentators for adoption of a voting power ownership standard in the proxy statement area, other commentators have urged a consistent standard. The Commission has determined that the unform application of the Rule 13d-3 beneficial ownership definition should be retained at this time. The costs involved in adopting multiple ownership standards would, for the integrated disclosure system as a whole, outweight any benefits inuring from specialized ownership tests applicable to proxy statements or other specific disclosure documents.

The Commission does wish, however, to take whatever steps it can, consistent with the Rule 13d-3 standard, to clarify beneficial ownership disclosure. Accordingly, the Commission is proposing two modifications to the Instructions to Item 6 of Regulation S-K. First, a sentence is proposed to be added to Instruction 5 that would specifically direct issuers not to count shares more than once when computing, pursuant to paragraph (b) of Item 6, the aggregate number of shares owned by directors and officers as a group.[49] The elimination of multiple counting of the same shares when arriving at this aggregate figure would prevent disclosures indicating ownership of more than 100 percent of a class of securities and should serve to clarify ownership disclosure in proxy statements. In fact, this practice of eliminating duplications in the aggregate figure currently is used by many issuers to make particularly complex ownership disclosure more understandable. The Commission believes that this practice is appropriate and therefore wishes explicitly to recognize its validity.

Second, the Commission proposes to add a sentence to Instruction 1 which would allow issuers to omit precise ownership percentages when the percentage for a particular individual, or for all officers and directors as a group, represents less than 1 percent of the subject class of securities. In lieu of a decimal percentage, the amended Instruction would require issuers to disclose by footnote or similar means the fact that the ownership figure is less than 1 percent. This appears to be a less costly means of achieving the desired disclosure and again reflects the

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[43] These rules became effective after the publication of Securities Exchange Act Release No. 14692 (April 21, 1978) [43 FR 18484]. This definition is also applicable for filing under Section 13(g) of the Exchange Act.

[44] Schedule 14C incorporates the requirements of Item 5 of Schedule 14A which, in turn, incorporates Item 6 of Regulation S-K requirements.

[45] Securities Act Release No. 5949 (July 28, 1978) [43 FR 34402]. Item 4 of Form 10-K [17 CFR 249.310], Item 18 of Form S-11 [17 CFR 239.18], and Item 5 of Form 10 [17 CFR 249.210] also require the disclosure called for by Items 6 (a) and (b) of Regulation S-K.

[46] It should be noted that the new beneficial ownership rules under Section 13 of the Exchange Act did not affect interpretations of the provisions of Section 16 of the Exchange Act, or the rules and regulations thereunder.

[47] This may occur, for example, when investment power and voting power are separated with respect to a given security, or when such powers are shared. In these cases, more than one person may report ownership of the same security.

[48] Securities Act Release No. 6167 (December 12, 1979) [45 FR 2144]. This release requested public comment on a number of issues in connection with a report on beneficial ownership subsequently submitted to Congress pursuant to Section 13(h) of the Exchange Act. The possibility of revising the beneficial ownership standard also was noted in the recent release adopting the new Annual Report on Form 10-K, which included beneficial ownership disclosure as Item 4 in Part I of the new Form. See Securities Act Release No. 6231 (September 2, 1980) [45 FR 63630]. If the beneficial ownership standard is retained for proxy statement purposes, a technical amendment to Form 10-K will be necessary to move the beneficial ownership item to Part III of Form 10-K, the Part which can be completed by incorporation of a proxy or information statement.

[49] This modification would not affect the issuer's ability, pursuant to Instruction 3 to Item 6, to rely on beneficial ownership reports filed under Section 13 of the Exchange Act in determining security ownership for purposes of paragraph (a) of Item 6.

Commission's specific endorsement of a practice currently used by many issuers.[50]

V. Changes in Rule 14a–8 Governing Shareholder Proposals

In the *Staff Report*, the Division of Corporation Finance addressed a number of issues relating to the operation of the shareholder proposal rule, Rule 14a–8. In summarizing the comments of participants at the corporate governance proceedings,[51] the staff noted that most commentators believed that the shareholder proposal rule was generally working well.

However, a number of technical changes in the rule were suggested by the commentators and recommended by the staff. These changes include: (1) eliminating the requirement that a shareholder proponent's representative must also be a shareholder; (2) requiring disclosure of the proponent's name, address and shareholdings in the issuer's proxy materials; and (3) combining the word limit for the proposal and supporting statement. This release proposes adoption of these three changes.

A. Required Appearance at Meeting—Qualifications of Proponent's Proxy

Rule 14a–8(a)(2) now requires a shareholder proponent or another security holder of the issuer designated by the proponent to appear personally at the meeting to present the proposal. The Commission proposes to delete the requirement that the person selected by a proponent to represent him also be a shareholder. In a prior no-action letter, the staff has taken the position that the proponent may designate any person qualified under state law to present a proposal,[52] and the proposed change would make the language of the Rule consistent with the staff's interpretive position. While most commentators at the corporate governance proceeding focused on the requirement that the shareholder or his proxy be present at the meeting,[53] those who discussed the requirement that the shareholder's proxy also be a shareholder recommended the change which the Commission is proposing.[54]

The Commission believes that requiring a shareholder's proxy also to be a shareholder does little to assure that the person presenting the proposal will be well informed. Permitting the proponent to select any person qualified under state law will give him greater opportunity to secure an interested and informed replacement. The Commission also notes that under the proposed change the shareholder proponent still will be required to notify the issuer at the time he submits a proposal of his good faith intention to attend the meeting. Only if he subsequently discovers that he will be unable to attend will he be able to designate a qualified representative. The Commission believes that retention of this good faith notice and attendance requirement will continue to minimize the submission of frivolous proposals.

B. Disclosure of the Proponent's Identity, Address, and Shareholdings

Rule 14a–8(b) currently allows the issuer either to include the proponent's name and address in the proxy statement or omit them, provided it supplies that data to the Commission and to those shareholders who request it. The number of shares held by the proponent currently is not required to be disclosed. Under the proposed change, Rule 14a–8(a)(2) would be amended to require a proponent to notify the issuer of the number of shares of the voting security of the issuer which he holds,[55] and Rule 14a–8(b) would be amended to require issuers to include the proponent's name, address and shareholdings in the proxy statement.

The question of inclusion of a proponent's name and address has been the subject of discussion for a number of years. The choice provided by the current rule was adopted in an attempt to "discourage the use of the rule by persons who may be motivated by a desire for publicity."[56] However, it has been the Commission's experience that such proponents have not been dissuaded by omission of their identity from the proxy materials. Substantial support was expressed in the corporate governance proceeding for disclosure of the proponent's name and address.[57] It was suggested that enabling shareholders to contact the proponent for additional information or clarification would promote consideration of the proposal on an informed basis.

Disclosure of the number of shares held by a proponent previously has not been required. However, several commentators at the corporate governance proceeding suggested that this information would permit shareholders to appraise better the proponent's objectives and the votes already committed to the proposal.[58]

The proposed amendment to Rule 14a–8(a)(2) would require that the proponent notify the issuer of the number of shares he holds. The proposed amendment also would specifically require that this notice include the proponent's name and address (which generally is provided at present) since this information will be required to be disclosed in the proxy statement. In complying with amended Rule 14a–8(b), issuers will be entitled to rely on statements provided by proponents in their notice as to the proponent's name, address and shareholdings. However, under Rule 14a–8(a)(1), issuers will continue to be permitted to request documentary support for a proponent's claim that he is a beneficial owner of a voting security of the issuer. Finally, the statement as to the proponent's shareholdings need only reflect that information as of the latest practicable date, such as the date the proposal was submitted. Pursuant to Rule 14a–8(a)(1), a proponent must continuously be a holder of a voting security from the time of submission of a proposal through the meeting date. The Commission realizes that a proponent's shareholdings may fluctuate during this period, even though the proponent continues to meet the qualifications. By permitting a statement of holdings as of a date certain, the Commission seeks to relieve issuers of the burden of revising their proxy materials to reflect changes in the proponent's holdings.

C. Length of Shareholder Supporting Statements

The provisions of Rule 14a–8(a)(4) impose two separate word limitations

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[50] The Commission wishes to emphasize that issuers may continue the existing informal practice regarding elimination of double counting and disclosure of percentages under 1 percent while these amendments are pending.

[51] File No. S7–693.

[52] *See* letter to Will Maslow, American Jewish Congress, December 21, 1978.

[53] *See Staff Report* at 164–167.

[54] *Id.* at 166, n. 99.

[55] Pursuant to Rule 14a–8(a)(1), a proponent is required to be

a record or beneficial owner of a security entitled to be voted at the meeting on his proposal.

The proponent's notice therefore would reflect record or beneficial ownership of the voting security.

[56] Securities Exhange Act Release No. 8000 (December 5, 1966) [31 FR 15750]; Securities Exchange Act Release No. 8206 (December 14, 1967) [32 FR 20960].

[57] *See Staff Report* at 167, note 105.

[58] *Id.* at 168, note 107. Some commentators suggested that a disproportionate number of proposals are offered by holders of a small number of shares; others asserted that a proponent's shareholdings may correlate with the shareholder vote on proposals. These commentators suggested that proposals offered by those holding only a few shares receive a small vote in their favor, while proposals presented by holders of a greater number of shares elicit greater support. Thus, some commentators suggested that the Commission should impose a "minimum shareholdings" requirement as part of the shareholder proposal rule. The *Staff Report*, however, indicates that the staff has not found support for the thesis that such relationships based on shareholdings exist. *Id.* at 180–81.

on a shareholder proponent's materials: a 300 word limit on the proposal itself and a 200 word limit on any supporting statement. In addition, a proponent is only entitled to submit a supporting statement if the issuer opposes the shareholder proposal.[59]

Commentators at the corporate governance hearings generally favored either eliminating the word limitation entirely, increasing the limit, or placing a similar limitation on management's opposing statement.[60] Two commentators recommended placing an overall combined word limit on the proposal and supporting statement and permitting the shareholders to allot the words between them.[61] The Commission believes that the suggestion of the commentators to establish a combined word limit is a positive one. Such a change will afford proponents more flexibility in allocating discussion between the proposal and the supporting statement, and, because the proposed combined word limit is no greater than the total of the two current individual limits, the proposed change should not increase the burden on issuers.

To accomplish the recommended change, it is proposed to revise Rule 14a–8(a)(4) to delete the two separate requirements regarding word length of the proposal and the supporting statement, and to add in their place a combined 500 word limitation.

Proposed paragraph (a)(4) would continue to contain the limitation of existing paragraph (a)(4) that a proponent may submit only two proposals and would retain without substantive change the existing provision allowing a proponent who initially exceeds the limitations in paragraph (a)(4) 10 business days after being informed of those limits to comply.

Proposed Rule 14a–8(b) would be revised to reflect the proposed changes to Rule 14a–8(a)(4) and would also be revised to delete the language providing that only those proponents whose proposals have been opposed by the issuer may submit a supporting statement. The proponent's right to submit a supporting statement with each proposal would be stated in revised Rule 14a–8(a)(4).

[59] Rule 14a–8(b). The staff has observed that a majority of proposals are opposed by management and thus a supporting statement is included.

[60] *See Staff Report* at 169–170, notes 112–114. Rule 14a–8 imposes no word limit on any statement by management in opposition to a shareholder proposal.

[61] Heard, Transcript at 643; Neuhauser, Transcript at 335 (File No. S7–693).

Text of Proposed Amendments

(Attention—The text of the following proposed amendments uses ► ◄ arrows to indicate additions and [/] brackets to indicate deletions.)

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

1. Section 229.20 is proposed to be amended by revising paragraphs (d) and (e) of Item 4 and the Instructions to Item 6 as follows:

§ 229.20 Information required in document.

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Item 4. Management remuneration.

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Item 4(d). Options, warrants, or rights.

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(iv) As to stock appreciation rights not in tandem with options, state (A) the number of rights granted during the specified period; (B) the average per share base price thereof; (C) [the number of rights outstanding at the end of specified period; (D)] the net value of the shares (market value) or cash realized during the specified period upon exercise or realization of any such rights, granted during the specified period or prior thereto; [(E)] ►(D)◄ the number of rights outstanding as of the end of the specified period; and [(F)] ►(E)◄ the potential (unrealized) value of all such rights outstanding as of the end of the specified period (market value less any base price).

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Item 4(e) Indebtedness of management.

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Instruction 3 to Item 4(e). Notwithstanding Instruction 2 to Item 4(e), if the registrant or any of its subsidiaries is engaged primarily in the business of making loans and loans to any of the specified persons in excess of $25,000 or one percent of its total assets, whichever is less, were outstanding at any time during the period specified, such loans shall be disclosed. However, if the lender is a bank, savings and loan association, or a broker-dealer extending credit under Federal Reserve Regulation T [12 CFR Part 220], such disclosure ►, provided that the loans are not nonperforming,◄ may consist of a statement, if such is the case, that the loans to such persons (a) were made in the ordinary course of business, (b) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other persons, and (c) did not involve more than normal risk of collectibility or present other unfavorable features. ►For purposes of this Instruction, "nonperforming" loans are loans which, at any time during the period specified, fall within any of the following categories: (i) loans accounted for on a non-accrual basis; (ii) loans contractually past due 90 days or more as to interest or principal payments; (iii) loans, the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower, or (iv) loans now current where there are serious doubts as to the ability of the borrower to comply with present loan repayment terms. A renewal on current market terms at maturity will not be considered a renegotiation within the meaning of clause (iii) above.◄

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Item 6. Security ownership of certain beneficial owners and management.

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Instructions. 1. The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or for the account of the registrant or its subsidiaries, plus securities deemed outstanding pursuant to Rule 13d–3(d)(1) under the Exchange Act. ►For purposes of paragraph (b), if the percentage of shares beneficially owned by any director or nominee, or by all directors and officers of the registrant as a group, does not exceed 1 percent of the class so owned, the registrant may, in lieu of furnishing a precise percentage, indicate this fact by means of an asterisk and explanatory footnote or other similar means.◄

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5. Where more than one beneficial owner is known to be listed for the same securities, appropriate disclosure should be made to avoid confusion. ►For purposes of paragraph (b), in computing the aggregate number of shares owned by directors and officers of the registrant as a group, the same shares should not be counted more than once.◄

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PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

2. Section 240.14a–8 is proposed to be amended by revising paragraphs (a)(2), (a)(4) and (b) as follows:

§ 240.14a–8 Proposals of security holders.

(a) * * *

(2) *Notice.* The proponent shall notify the issuer in writing of his intention to appear personally at the meeting to present his proposal for action. ►Such notice shall include the proponent's name, address and the number of shares of the voting security of the issuer which he owns.◄ The proponent shall furnish the requisite notice at the time he submits the proposal, except that if he was unaware of the notice requirement at that time he shall comply with it within 10 business days after being informed of it by the management. If the proponent, after furnishing in good faith the notice required by this provision, subsequently determines that he will be unable to appear personally at the meeting, he shall arrange to have [another security holder of the issuer] ►an individual designated as his proxy

who is qualified under state law◄ present his proposal on his behalf at the meeting. In the event the proponent or his proxy fails, without good cause, to present the proposal for action at the meeting, the issuer shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting held in the following two calendar years.

* * * * *

[(4) *Number and Length of Proposals.* The proponent may submit a maximum of two proposals of not more than 300 words each for inclusion in the issuer's proxy materials for a meeting of security holders. If the proponent fails to comply with either of these requirements, or if he fails to comply with the 200-word limit on supporting statements mentioned in paragraph (b), he shall be provided the opportunity by the issuer to reduce, within 10 business days, the items submitted by him to the limits required by this rule.]

[(b) If the issuer opposes any proposal received from a proponent, it shall also, at the request of the proponent, include in its proxy statement a statement of the proponent of not more than 200 words in support of the proposal, which statement shall not include the name and address of the proponent. The statement and request of the proponent shall be furnished to the issuer at the time that the proposal is furnished, and the issuer shall not be responsible for such statement. The proxy statement shall also include either the name and address of the proponent or a statement that such information will be furnished by the issuer or by the Commission to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the same and address of the proponent are omitted from the proxy statement, they shall be furnished to the Commission at the time of filing the issuer's preliminary proxy material pursuant to Rule 14a–6(a) [17 CFR 240.14a–6(a)].]

►(b) A proposal and its supporting statement, in the aggregate, shall not exceed 500 words. The supporting statement shall be furnished to the issuer at the time that the proposal is furnished, and the issuer shall not be responsible for such statement. The proxy statement also shall include the name and address of the proponent and the number of shares of the voting security of the issuer held by the proponent.◄

* * * * *

3. Section 240.14a–101 is proposed to be amended by revising Items 6, 9 and 22 to read as follows:

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

* * * * *

Item 6. Directors and executive officers.

* * * * *

(b) With respect to issuers other than investment companies registered under the Investment Company Act of 1940, describe ►, in reasonable proximity to the information required by paragraph (a), ◄ any of the following relationships which exist:

* * * * *

(3) If the nominee or director is, or has within the last two full fiscal years been, an officer, director or employee of, or owns, or has within the last two full fiscal years owned, directly or indirectly, in excess of [1] ► 5 ◄ percent equity interest in any firm, corporation or other business or professional entity:

(i) Which has made payments to the issuer or its subsidiaries for property or services during the issuer's last full fiscal year in excess of 1 percent of the issuer's consolidated gross revenues for its last full fiscal year;

(ii) Which proposes to make payments to the issuer or its subsidiaries for property or services during the current fiscal year in excess of 1 percent of the issuer's consolidated gross revenues for its last full fiscal year;

(iii) To which the issuer or its subsidiaries was indebted at [any time during] the issuer's last fiscal year ► end ◄ in an aggregate amount in excess of 1 percent of the issuer's total consolidated assets at the end of such fiscal year, or $5,000,000, whichever is less;

(iv) To which the issuer or its subsidiaries has made payments for property or services during such entity's last fiscal year in excess of 1 percent of such entity's consolidated gross revenues for its last full fiscal year;

(v) To which the issuer or its subsidiaries proposes to make payments for property or services during such entity's current fiscal year in excess of 1 percent of such entity's consolidated gross revenues for its last full fiscal year;

(vi) In order to determine whether payments made or proposed to be made exceed 1 percent of the consolidated gross revenues of any entity other than the issuer for such entity's last full fiscal year, it is appropriate to rely on information provided by the nominee or director;

(vii) In calculating payments for property and services the following may be excluded:

(A) Payments where the rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a [public utility] ►common or contract carrier, or public utility,◄ at rates or charges fixed in conformity with law or governmental authority;

(B) Payments which arise solely from the ownership of securities of the issuer and no extra or special benefit not shared on a pro rata basis by all holders of the class of securities is received;

►(C) Payments made to or received from a 5 percent subsidiary (that term being defined as if the asset, sales and revenue, and income thresholds specified in Rule 1–02(v) (17 CFR 210.1–02(v)) of Regulation S–X referred to 5 percent instead of 10 percent), provided that all such 5 percent subsidiaries making or receiving payments, when considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary as defined in Rule 1–02(v) of Regulation S–X;◄

(viii) In calculating indebtedness for purposes of subparagraph (iii) above, [debt securities which have been publicly offered, admitted to trading on a national securities exchange, or quoted on the automated quotation system of a registered securities association may be excluded.] ►the following may be excluded:

(A) Debt securities which have been publicly offered, admitted to trading on a national securities exchange, or quoted on the automated quotation system of a registered securities association;

(B) Amounts due for purchases subject to the usual trade terms;

(C) Indebtedness incurred by a 5 percent subsidiary (as defined in subparagraph (vii)(C)), provided that all such 5 percent subsidiaries which have incurred indebtedness, when considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary as defined in Rule 1–02(v) of Regulation S–X;

(ix) When the only otherwise disclosable relationship under this subparagraph between the issuer and a corporation or business entity arises from the presence of a common nonemployee director, such relationship need not be disclosed unless:

(A) For purposes of (i)–(ii) and (iv)–(v) the payments for property and services exceed 5 percent of the issuer's or such entity's consolidated gross revenues, respectively;

(B) For purposes of (iii) indebtedness exceeds 5 percent of the issuer's total consolidated assets;◄

(4) That the nominee or director is a member or employee of, or is associated with, a law firm which the issuer has retained in the last two full fiscal years or proposes to retain in the current fiscal year ►, provided, however, that the dollar amount of fees paid to a law firm by the issuer need not be disclosed if such amount does not exceed $50,000◄;

(5) That the nominee or director is a director, partner, officer or employee of any investment banking firm which has performed services for the issuer other than as a participating underwriter in a syndicate in the last two full fiscal years or which the issuer proposes to have perform services in the current year ►, provided, however, that the dollar amount of fees paid to an investment banking firm by the issuer need not be disclosed if such amount does not exceed $50,000◄; or

* * * * *

(d) * * *

(2) [If the issuer has a nominating or similar committee, state whether the committee] ►State whether the issuer's nominating or similar committee, or, in the absence of such a committee, the issuer's full board of directors,◄ will consider nominees recommended by shareholders and, if so, describe the procedures to be followed by

shareholders in submitting such recommendations.

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Item 9. Bonus, profit sharing and other remuneration plans.

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Instructions.

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3. * * *

[(c) If action is to be taken with respect to any plan in which directors or officers may participate, the information called for by Item 4(d)(1) and (2) of Regulation S–K (17 CFR 229.20) shall be furnished for the last five fiscal years of the issuer and any period subsequent to the end of the latest such fiscal year, in aggregate amounts for the entire period for each such person and group. If any named person, or any other director or officer, purchased securities through the exercise of options during such period, state the aggregate amount of securities of that class sold during the period by such named person and by such named person and such other directors and officers as a group. The information called for by this Instruction 3(c) is in lieu of the information since the beginning of the issuer's last fiscal year called for by Item 4(d)(1) and (2) of Regulation S–K (17 CFR 229.20). If employees may participate in the plan to be acted upon, state the aggregate amount of securities called for by all options granted to employees during the five-year period, and, if the options were other than "restricted" or "qualified" stock options or options granted pursuant to an "employee stock purchase plan," as the quoted terms are defined in sections 422 through 424 of the Internal Revenue Code, state that fact and the weighted average option price per share. The information called for by this instruction may be furnished in the form of the table illustrated in Appendix A (§ 240.14a–103). See Instruction 1 to Item 4(d) of Regulation S–K (17 CFR 229.20).]

►(c) If action is to be taken with respect to any plan in which directors or officers may participate, the information specified in Item 4(d)(i), (ii) and (iv)(A), (B) and (C) of Regulation S–K (17 CFR 229.20) shall be furnished for the period from the beginning of the registrant's fifth previous full fiscal year through the most recent practicable date, rather than for the registrant's last fiscal year; and the information called for by Item 4(d)(iii) and (iv) (D) and (E) shall be furnished as of the most recent practicable date. If any person named or included in the group of officers and directors in answer to Item 4(a) of Regulation S–K (17 CFR 229.20) purchased or received securities of any class during that period through the exercise of options or stock appreciation rights (or other rights in tandem therewith), state the aggregate amount of securities of that class sold during the period by any such named person and by such group. If other employees may participate in the plan being acted upon, state with respect to such other employees: (1) the title and aggregate amount of securities subject to options, with or without tandem stock appreciation rights, granted from the beginning of the registrant's fifth previous full fiscal year through the most recent practicable date; (2) the weighted average option price per share for such options; (3) the number of shares with respect to which stock appreciation rights were granted, not in tandem with options, during that period; and (4) the weighted average base share price for such rights. (Other tandem rights granted to an employee shall be disclosed in connection with the related prices or appreciation rights.) The information called for by this instruction may be furnished in the form of the table illustrated in Appendix A (17 CFR 240.14a–103). See generally the instructions to Item 4(d) of Regulation S–K (17 CFR 229.20).]

* * * * *

Item 22. Vote required for approval.

As to each matter which is to be submitted to a vote of security holders, other than [elections to office or] the selection or approval of auditors, state the vote required for its approval.

* * * * *

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 14 15(d), 23(a) 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat; 686; secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574, secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), "1, 2, 3–5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78*l*, 78m, 78n, 78o(d), 78w(a))

Authority

These amendments are being proposed pursuant to the authority in Sections 6, 7, 8, and 19(a) of the Securities Act of 1933 and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934.

By the Commission.

George A. Fitzsimmons,

Secretary.

February 5, 1981.

Regulatory Flexibility Act Certification

I, Harold M. Williams, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments published in Release No. 34–17517 (February 5, 1981), "PROPOSED AMENDMENTS TO PROXY RULES AND PROVISIONS RELATING TO SHAREHOLDER COMMUNICATIONS GENERALLY", will not, if promulgated, have a significant economic impact on a substantial number of small entities. The reasons for such certification are that the proposed amendments will apply only to those entities (including small entities) that already are subject to the Commission's rules and regulations, and that these proposed amendments are expected to result in a minor net reduction in costs to all registrants. It is anticipated that the effects of the proposed amendments will not be significant for any class of registrants. Thus, the proposed amendments will not have a significant economic impact on any small entities.

Dated: February 5, 1981.

Harold M. Williams,

Chairman.

[FR Doc. 81-4996 Filed 2-11-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Hazards Identification

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Withdrawal of Proposed Rules.

SUMMARY: On January 16, 1981, (46 FR 4412–4453), the Assistant Secretary for Occupational Safety and Health issued a proposed standard that would require employers to identify the hazardous chemicals in their workplaces through specific hazard identification and evaluation procedures, labeling requirements, and record preservation. The proposed rule is withdrawn. This will permit the Department to consider regulatory alternatives that had not been fully considered and then, if appropriate, repropose the regulation. This process will eliminate the need for the public to comment on a proposal that the Department may change significantly.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone: (202) 523–8151.

Signed at Washington, D.C. this 29th day of January 1981.

David C. Zeigler,

Acting Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 81-4944 Filed 2-10-81; 4:00 pm]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1750-3]

State Implementation Plan Revision for Lead in Clark County, Nevada

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: EPA promulgated the National Ambient Air Quality Standards (NAAQS) for lead on October 5, 1978 (43 FR 46246). A revision to the Nevada State Implementation Plan (SIP) was submitted to EPA by the Governor of Nevada on June 24, 1980, and is intended to provide for the attainment and maintenance of the lead NAAQS in Clark County. This notice proposed to approve Clark County's revision to the Nevada SIP for lead.

EPA invites interested persons to comment on the revision, especially concerning the consistency of the revision with respect to the requirements of the Clean Air Act.

DATES: Comments may be submitted up to April 13, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Environmental Protection Agency, Region IX, Attn.: Air and Hazardous Materials Division, Planning Branch, SIP Section (A–2–4), 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed plan are available for public inspection during the normal business hours at the EPA, Region IX Office at the above address, and at the following locations:

Nevada Department of Conservation and Natural Resources, 201 South Fall Street, Carson City, NV 89710
Clark County Health District, 625 Shadow Lane, Las Vegas, NV 89106
Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 24060

FOR FURTHER INFORMATION CONTACT: Ronald Leach, State Implementation Plan Section (A–2–4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 556–9728.

SUPPLEMENTARY INFORMATION:

Background

Lead is emitted to the atmosphere by vehicles burning leaded fuel and by certain stationary sources. It enters the human body through ingestion and inhalation with consequent absorption into the blood stream and distribution to all body tissues. Clinical, epidemological, and toxicological studies have demonstrated that exposure to lead adversely effects human health.

EPA's initial approach to controlling lead in the air was to limit the lead emissions from automobiles, the principal source of lead air emissions. Regulations for the phase-down of lead in the total gasoline pool were promulgated in 1973 and following litigation modified and put into effect in 1976.

In 1975, the Natural Resources Defense Council (NRDC) brought suit against EPA to list lead under Section 108 of the Clean Air Act. Listing a pollutant under Section 108 mandates the development of air quality criteria, and establishment of a national ambient air quality standard under Section 109. EPA listed lead on March 31, 1976, and proceeded to develop air quality criteria and the proposed standard.

On October 5, 1978 EPA promulgated primary and secondary National Ambient Air Quality Standards for lead (43 FR 46246). The Standard was set at a level of 1.5 micrograms of lead per cubic meter of air (ug Pb/m^3), averaged over a calendar quarter. Section 110 of the Clean Air Act, amended in August 1977, requires States to adopt and submit to the EPA Administrator, within nine months after promulgation of a National Ambient Air Quality Standard, a plan for attainment and maintenance of the Standard in their area. EPA has set forth the requirements of an approvable lead SIP in 40 CFR Part 51 (43 FR 46264). These provisions require the submission of air quality data, emissions data, a control strategy, air quality modeling, and a demonstration that the Standard will be attained within the time frame specified by the Clean Air Act.

Description of Proposed SIP Revision

On June 24, 1980, the Governor of Nevada submitted Clark County's revision to the State Implementation Plan for lead. Although the County has developed a separate lead plan, the State maintains jurisdiction over certain types of sources, including power plants and all mobile sources. There are no other significant stationary sources of lead located in the County.

The lead air quality data is taken from a single total suspended particulates (TSP) monitoring station located in downtown Las Vegas. The County intends to commence analyzing TSP filters for lead at two or three sites early in 1981. These sites will be located according to EPA approved methods and procedures.

The air quality data indicates that violations of the Standard have occurred since January, 1974. The County relies upon Federal regulations which mandate the reduction of lead in gasoline and improved fleet fuel economy to achieve and maintain the lead NAAQS. The SIP revision employs a modified rollback analysis, which uses the highest lead concentration (quarterly mean) with the total emissions from the grid in which the air quality monitor is located to show attainment of the Standard by 1982. The gridded network is taken from the Clark County Transportation Study, which supplied traffic data for each grid.

In addition, revisions to Clark County's "Air Pollution Control Regulations" were submitted to EPA as SIP revisions on July 24 and September 18, 1979. Section 15, *Source Registration* and Section 1, *Definitions*, provide a preconstruction review program for new sources, including stationary sources of lead (regardless of size). The review program ensures that no project will be approved if it will result in violations of the lead standard.

Proposed Actions

EPA evaluated Clark County's plan by comparing it with the requirements for an approvable lead SIP, as set forth in 40 CFR Part 51, and with the EPA guideline document, "Supplementary Guidelines for Lead Implementation Plans." As a result of the evaluation, EPA is proposing to approve Clark County's revision to the Nevada SIP for lead.

Section 15 and Section 1, along with other rule revisions, were evaluated and proposed for approval in the **Federal Register** on September 9, 1980 (45 FR 59334). EPA has also reviewed those rules with respect to the requirements for a lead SIP and determined that they satisfy the requirements of 40 CFR 51.18—Review of New Sources and Modifications. 40 CFR 51.18 requires that a lead SIP revision include a permitting program for new stationary sources of lead. The September 9, 1980 notice should be referenced for further details on the rules.

Public Comments

The County, prior to adopting its lead plan, held a public hearing after first providing 30 days notice. This satisfies the public hearing requirements of 40 CFR 51.4. Clark County derives its authority to implement the plan from Section 445.546 of the Nevada Revised Statutes.

Under Section 110 of the Clean Air Act, and 40 CFR Part 51, the Administrator is required to approve or disapprove material submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received will be available for public inspection at the EPA Region IX Office and at the locations listed in the ADDRESSES Section of this notice. The Administrator's decision to approve or disapprove the proposed revisions will be based upon the comments received

and on a determination of whether the requirements of Section 110(a)(2) of the Clean Air Act of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans have been met.

Note.—EPA has determined that this plan is "specialized" and therefore not subject to the procedural requirements of Executive Order 12044.

Pursuant to the provisions of 5 U.S.C 605(b) I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirement. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

(Sec. 110, 301(a) Clean Air Act as amended (42 U.S.C. 7410 and 7610(a)))

Dated: January 30, 1981.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 81-4003 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 58

[A-2-FRL 1751-7]

Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of New York, the State of New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On May 10, 1979 the Environmental Protection Agency (EPA) promulgated Ambient Air Quality Monitoring, Data Reporting and Surveillance Provisions (44 FR 27558). This action revoked the requirements for air quality monitoring in Part 51 of Title 40 of the Code of Federal Regulations and established a new Part 58 entitled "Ambient Air Quality Surveillance." In order to meet the requirements of this new Part 58, State Implementation Plan revisions were submitted to the EPA by: The New York State Department of Environmental Conservation; the New Jersey Department of Environmental Protection; the Puerto Rico Environmental Quality Board; and the Virgin Islands Department of Conservation and Cultural Affairs. This notice discusses EPA's proposed approval of these submissions.

DATES: Comments must be submitted by March 16, 1981.

ADDRESSES: All comments should be addressed to: Charles S. Warren, Regional Administrator, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278. Copies of the proposal are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233

New Jersey State Department of Environmental Protection, Division of Environmental Quality, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625

Environmental Quality Board, 204 Del Parque Street, Santurce, Puerto Rico 00910

Virgin Islands Department of Conservation and Cultural Affairs, Division of Environmental Health, Charlotte Amalie, St. Thomas, Virgin Islands 00801

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: Section 319 of the Clean Air Act, as amended, requires the Environmental Protection Agency (EPA) to establish ambient air quality monitoring criteria to be followed uniformly by the states. Pursuant to this requirement, the EPA, on May 10, 1979 (44 FR 27558), promulgated "Rules and Regulations for Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions." These regulations revoked Part 51 of Title 40 of the Code of Federal Regulations (40 CFR) and established a new Part 58 entitled "Ambient Air Quality Surveillance."

40 CFR 58.20 requires that each state adopt and submit to the Administrator of EPA a revision to its State Implementation Plan (SIP) which will:

(a) Provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) which measure ambient concentrations of those pollutants for which standards have been promulgated pursuant to Section 108 of the Clean Air Act.

(b) Provide for meeting the requirements of Appendix A, C, D and E to Part 58. (Appendix A concerns quality assurance requirements for SLAMS, Appendix C deals with ambient air quality monitoring methodologies, Appendix D provides network design criteria and Appendix E gives probe siting criteria).

(c) Provide for the operation of at least one SLAMS per pollutant during any stage of an air pollution episode.

(d) Provide for the review of the air quality surveillance system on an annual basis to determine if the system meets the monitoring objectives defined in Appendix D to Part 58. Such review must identify needed modifications to the network, such as the termination or relocation of unnecessary stations or the establishment of new stations.

(e) Provide for having a SLAMS network description available for public inspection and submission to the Administrator upon request. The network description must be available at the time of plan revision submittal and must contain the following information for each SLAMS:

(1) The Storage and Retrieval of Aerometric Data (SAROAD) site identification form for existing stations.

(2) The proposed location for scheduled stations.

(3) The sampling and analysis method.

(4) The operating schedule.

(5) The monitoring objective and spatial scale of representativeness as defined in Appendix D to Part 58.

(6) A schedule for:

(i) Locating, placing into operation, and making available the SAROAD site identification form for each SLAMS which is not located and operating at the time of plan revision submittal;

(ii) Implementing quality assurance procedures of Appendix A to Part 58 for each SLAMS for which such procedures are not implemented at the time of plan revision; and

(iii) Resiting each SLAMS which does not meet the requirements of Appendix E to Part 58 at the time of plan revision submittal.

Region II Air Quality Monitoring Networks

By August 1980, all states administered by Region II (New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands) had submitted revisions to their respective SIPs to provide for a comprehensive air quality monitoring plan designed to meet the ambient air quality monitoring and data reporting requirements of 40 CFR Part 58.

Submittals from New York, New Jersey and Puerto Rico include a description of the proposed network, which will cover the criteria pollutants: Total suspended particulates, sulfur dioxide, nitrogen oxide, carbon monoxide and ozone. The Virgin Islands submittal includes a network description only for total suspended particulates and sulfur dioxide, which are the only two pollutants which require monitoring.

All proposed systems will be derived from the existing state networks, with adjustments and additions where necessary, and specific SLAMS sites will be designated as Episode Monitoring Sites (EMS).

All SLAMS in the Region II monitoring system will be operated in accordance with the criteria given in Subpart B of 40 CFR Part 58. Each SLAMS monitor will meet the siting criteria given in 40 CFR Part 58, Appendix E. Monitoring methods used in the SLAMS networks will be reference or equivalent methods, as defined in 40 CFR Part 58, Appendix C. The quality assurance procedures of Appendix A to 40 CFR Part 58 will be followed when operating SLAMS and processing air quality data. The air monitoring system will be reviewed, modified as needed, and reported to EPA by July 1 of each year to correct inadequacies indicated by the annual review. All changes to the network will be discussed with EPA prior to submittal for approval. The current network description will be available for public inspection at the addresses listed at the beginning of this notice.

EPA has reviewed the four SIP revisions submitted and has determined that they meet the requirements of Section 110 and 319 of the Clean Air Act, as amended, and EPA regulations at 40 CFR Part 58. EPA is, therefore, proposing to approve the revised monitoring plans for New York, New Jersey, Puerto Rico and the Virgin Islands.

Interested persons are invited to comment on any element of the subject SIP revisions and on whether or not the proposed revisions meet Clean Air Act and other requirements. Comments received by March 16, 1981 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. I have reviewed this package and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted as to whether the proposed revisions should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 319 of the Clean Air Act and EPA regulations in 40 CFR Part 58.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The action relates only to air quality surveillance to be carried out by the States of New York and New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands and will not cause any significant economic impacts.

(Secs. 110, 319, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: January 30, 1981.

Charles S. Warren,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-4984 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 60

[AD-FRL-1752-6]

Standards of Performance for New Statutory Sources; Metal Coil Surface Coating; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: This action provides for a 30-day extension of the comment period for the proposed standards of performance for metal coil surface coating. These standards were proposed in the Federal Register on January 5, 1981 (46 FR 1102). This action responds to a request from the National Coil Coaters Association for an extension of the comment period. This extension will allow additional time for the industry to futher evaluate the proposed standards and submit additional information and data.

DATES: Comments must be postmarked no later than April 6, 1981. Also, written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing on February 4, 1981, must be postmarked no later than April 6, 1981.

ADDRESS: Comments should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–80–5, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5421.

Dated: February 5, 1981.

Paul Stolpman,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-4982 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 81

[A-4-FRL 1752-2]

Designation of Areas for Air Quality Planning Purposes; Kentucky: Proposed Redesignation of Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: It is proposed to change the Section 107 attainment status designation of the cities of Henderson and Owensboro, Kentucky from nonattainment for sulfur dioxide to attainment; this change was requested by the Commonwealth which submitted air quality data showing attainment in Henderson from calendar years 1977 through 1978 and in Owensboro from 1975 through 1979. It is also proposed to change the designation of Henderson County, Kentucky from nonattainment for ozone to attainment; this change was requested by the Commonwealth on the basis of three years of data showing attainment of the revised standards (0.12 part per million) for this pollutant. The public is invited to participate in this rulemaking by submitting written comments on the proposed redesignations.

DATES: To be considered, written comments must be received on or before March 16, 1981.

ADDRESSES: Comments should be directed to Mr. Barry Gilbert of the EPA Region IV Air Programs Branch, 345 Courtland Street, NE., Altanta, Georgia 30365. Copies of the materials submitted by Kentucky in support of the redesignation requests may be

examined at the following locations during normal business hours:

Library, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, West Frankfort Office Complex, U.S. 127 South, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Barry Gilbert of EPA Region IV's Air Programs Branch in Atlanta (see "Addresses" above). Telephone 404–881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962 at 8997), the Administrator, pursuant to Section 107 of the Clean Air Act as amended in 1977 and on the basis of information supplied by the Commonwealth of Kentucky, designated the City of Henderson and the City of Owensboro nonattainment for sulfur dioxide and Henderson County nonattainment for ozone.

On August 8, 1979 and May 5, 1980, the Kentucky Department for Natural Resources and Environmental Protection submitted air quality data showing that the national ambient air quality standards for sulfur dioxide had not been violated in Henderson in 1977 and 1978 nor in Owensboro from 1975 through 1979 and requested that these areas be redesignated to attainment. EPA has reviewed this data for representativeness, quality, quantity, etc., and found it to be acceptable.

In the letters, the Department certified that the Henderson Municipal Power and Light electric generating plant and the Owensboro Municipal Utilities' Elmer Smith Station are now in compliance with the SO_2 emission limiting regulations of the State Implementation Plan. The nonattainment designations of the cities were based on predicted modeling violations when the sources were in noncompliance with the allowable emission limits in the Kentucky State Implementation Plan. Therefore, EPA proposes to change the designations to attainment, since the sources are now in compliance.

On October 31, 1979 and July 7, 1980, the Department submitted a summary of ozone data gathered in the Henderson County nonattainment area during the period October 1977–September 1979, and requested the area be redesignated attainment. Additional data for 1980 was supplied on July 15, 1980. EPA has reviewed this data for representativeness, quality, quantity, etc., and found it to be acceptable. There were only three measurements exceeding the 0.12 part per million national ambient ozone standards during the period of July 1, 1977 to June 30, 1980. The requested redesignated is in conformance with the "Guidelines for the Interpretation of Ozone Air Quality Standards" (EPA 450/4–79–003) and the provisions of Appendix H of 40 CFR Part 50 which allows three exceedances in three years.

Accordingly, it is proposed to redesignate these areas to attainment. The public is invited to participate in this rulemaking by submitting written comments on the proposed redesignations. After weighing all relevant comments received together with all other information available to him, the Administrator will make final disposition of the State's requests for redesignation.

Pursuant to the provisions of 5 U.S.C. section 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Note.—Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and, therefore, subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has reviewed these regulations and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Sec. 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: January 30, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81–4982 Filed 2–11–81; 8:45 am]

BILLING CODE 6560–38–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80–742; FCC 80–700]

License Contract Agreements and Other Intrasystem Arrangements of the Major Telephone Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission will examine AT&T License Contract agreement and other intrasystem arrangements currently employed by the Bell System, GTE Corp., United Telecommunications, Inc., and Continental Telephone Corp. Instituted at the request of several agencies, this national inquiry is primarily designed to identify any aspects of the license contract mechanism which may adversely impact the ratepayers, and to ascertain what action by the Commission may be appropriate.

DATES: Comments must be filed on or before May 11, 1981, and reply comments on or before June 26, 1981.

ADDRESS: Comments in response to this notice should be submitted to: The Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: James W. McConnaughey, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632–4888.

In the matter of license contract agreements and other intrasystem arrangements of the major telephone systems, CC Docket 80–742.

Notice of Inquiry

Adopted: November 25, 1980.

Released: February 6, 1981.

By the Commission:

1. The Commission is initiating an inquiry into the license contract agreements and other intrasystem arrangements utilized by the four major telephone systems. The license or service contract in the telephone industry is an arrangement in which a designated organization within a telephone system agrees to provide services to affiliated telephone companies on an allocative billing basis. These agreements have a significant impact on the ratepayers directly through their effect upon operating expenses. They also have an important potential indirect effect in that advertent or inadvertent misallocations of costs would impair the competitive processes upon which the public relies in some measure for innovative and efficient telecommunications service.

2. Fundamental concerns underlying this study include: (1) the uncertainty regarding the reasonableness of license contract expenditures; (2) the inherent lack of accountability in the process; and (3) the question of whether the current arrangements optimize the ratepayers' welfare.

I. Background

3. Initiated by the Bell System in the late 1870s, the license contract was originally an agreement between AT&T and certain licensees which provided for the leasing of telephones and the licensing of their use. The license contract arrangement today provides for a variety of services and functions to the telephone operating companies from the General Department in return for payments not to exceed a certain percentage of each company's operating revenues. Similar arrangements have subsequently been adopted by the major independent telephone systems: General Telephone and Electronics Corp. (GTE), United Telecommunications, Inc. (United) and Continental Telephone Corp. (Continental).

4. In recent years regulatory agencies have become increasingly aware of the need for an in-depth examination of the license contract arrangements which are employed by the Bell System. In 1979 such expenditures by the Bell operating companies (BOCs) and Long Lines exceeded one billion dollars and had increased by more than 25% over the previous year. Several state public service commissions have urged in various decisions that a national investigation of the Bell license contract agreements be undertaken.[1]

5. Chairman Charles Zielinski of the New York Public Service Commission has requested that the FCC conduct an investigation of the license contract arrangements of the AT&T system, noting the "national significance" of the issue and calling the project "one of potentially great importance." Letters to FCC Chairman Ferris dated March 15, 1978 and January 9, 1979. The National Telecommunications and Information Administration has also recently recommended that the FCC examine the Bell agreements. The FCC is similarly cognizant of the need for such an analysis, as noted in several of our recent decisions. *See Second Computer Inquiry*, 77 FCC 2d 384 (1980); *AT&T Docket 21244*, 64 FCC 2d 741 (1977), *Final Decision*, 74 FCC 2d 52 (1979).

[1] The New York Public Service Commission proposed that the FCC "undertake a comprehensive inquiry of the matter" *New York Telephone Co.*, 23 PUR 4th 554, 580 n. 52 (1977), while the Connecticut Public Utilities Control Authority recommended an "indepth national review of the License Contract procedures by an independent agency such as NARUC." *Southern New England Telephone Co.*, 23 PUR 4th 286, 287 (1977). The Colorado Public Utility Commission implicitly concurred with this approach by stating concerns similar to those of New York and Connecticut, namely that it had "neither the personnel nor financial resources to perform such an audit, nor to pay to have such an audit performed." *Mountain States Telephone & Telegraph Co.*, 22 PUR 4th 537 (1977).

6. *Historical Perspective.* The license contract has been a controversial subject for many years. In the FCC's 1939 *Report to Congress on Investigation of the Telephone Industry in the United States*, we noted that the arrangement has been the "object of a great deal of public attention . . . almost from the beginning of attempts to regulate Bell System operating companies." 1939 Investigation, at 176. Further, the Commission stated that:

> The license contract payment has not only been accounted for in operating expense by the licensees, but it also constitutes a direct payment by the licensees to the parent company. The combination of these factors and a third—lack of independent knowledge of the license contract relations by the public and its regulatory agencies; that is, a lack of knowledge other than such as had been supplied by the Bell companies—afford an explanation of the perennial character of the license contract issue. *Id.*

These concerns remain today and appear to have been magnified in the current communications environment characterized by cost-conscious ratepayers, competition, and deregulation.

7. The pivotal court case establishing the controlling legal principle concerning the license contract is *Smith* v. *Illinois Bell Telephone Co.*, 282 U.S. 133 (1930). In this decision, the Supreme Court reasoned that cost—not value of service—is the correct measure of the reasonableness of the license contract amounts involved. From this precedent the Commission reasoned that the "license contract relations were thus removed . . . from the realm of management, where they had enjoyed substantial immunity from public investigation and regulation and placed within the power of the public regulatory agencies for scrutiny." 1939 Investigation, at 157–58. In essence, the burden of proof would reside with the telephone company in demonstrating that the license contract expenditures were reasonable operating expenses.

8. Subsequent cases have, by and large, been initiated in response to AT&T's efforts to increase the Bell operating companies' assessed percentage of revenues. Since 1930 the rate ceiling has remained at 2.5%, but from 1948 to 1974 AT&T had routinely charged each BOC 1%. In 1974, AT&T attempted to raise the actual percentage charged, an action that generated much litigation when many of its companies requested rate increases to offset the added expense. In the decisions resolving the controversy, the courts in various jurisdictions have generally emphasized the use of actual costs as the appropriate benchmark in this area but have differed in their specific views on the reasonableness and propriety of expenditures. For example, in Kansas, the state court of appeals held that the utility had not met its burden of proving the reasonableness of its license contract fee and that the amount was greater than the reasonable costs of performing the services furnished pursuant to the license contract. *Southwestern Bell Tel Co.* v. *Kansas Corp. Comm.*, 602 P. 2d 131 (Ka. Ct. App. 1979). In Louisiana, the state supreme court permitted part of the requested rate increase but disallowed research and development costs. The court held that present ratepayers should not pay for research and development (R&D) which is for the benefit of future ratepayers. *South Central Bell Tel Co.* v. *Louisiana Public Service Comm.*, 15 PUR 4th 87, 115–116 (1976) *aff'd.* 352, So. 2d 964, 980–981 (La. 1977). By contrast, in Massachusetts the state's highest court vacated the public utility commission's ruling rejecting the 2.5% of revenues license contract fee. The court held that each Bell telephone company may contribute to AT&T a fair proportion of the cost of maintaining the service, and the charges need not be attributed to particular benefits. *New England Tel & Tel Co.* v. *Dept. of Public Utilities*, 354 N.E. 2d 860, 868 (Mass. 1976).

9. License contract expenditures are allocated at several different levels of the cost assignment process.[2] The expenses are apportioned among exchange, intrastate toll, and interstate toll operations "on a basis consistent with the method employed in determining such expense," (Part 48.51 of the Separations Manual), *i.e.*, through annual telephone company studies. After the interstate portion is ascertained, these outlays are either directly attributed or allocated (based on investment or expense relationships) to the specific services in accordance with the principles set forth in Docket 18128. Intrastate apportionments to particular services depend on the cost-of-service methodologies utilized in the individual state jurisdiction.

10. *Prior Studies* Although it has been the object of considerable regulatory concern over the years, the Bell license contract agreement has apparently been intensively studied as a whole by agencies on only three occasions. In contrast, representatives from the Bell operating companies plus independent auditors have performed audits of the AT&T license contract arrangements on an annual basis for a number of years.

[2] Under Part 1 of the Commission's Rules, these expenditures are included in Account 674-General Services and Licenses.

11. In 1945, the NARUC Staff subcommittee completed a study of the AT&T license contract, culminating in a 132-page report in which a number of recommendations were advanced. Two of the most important were (1) that "actual reasonable costs" rather than a fixed percentage or gross revenues should be the basis for charges to the telephone companies and (2) that a "large part" of the billings by Bell Labs for basis research and development traditionally funded via the license contract should more properly be charged to Western Electric. NARUC Proceedings, 57th Annual Convention, at 242–50.

12. Members of the California Commission's staff devoted approximately five work-years during 1976–77 exclusively to the Bell license contract. *California PUC Decision No. 90362*, case No. 10001, June 5, 1979 (Mimeo) at 10. The California PUC concluded that as a general principle, license contract expenditures of "primary benefit" to the Pacific Telephone and Telegraph ratepayers should be borne by them, while such expenses which are of "primary benefit" to Bell System investors, or of "primary benefit" to Western Electric or any other Bell manufacturer of competitive products, should not be absorbed by the ratepayers. *Id.* at 113–14. In addition, a 50% limit was placed on the amount of the Bell affiliate's license contract outlays which could be passed on to the ratepayers in the areas of basic and applied research, systems engineering, AT&T marketing, and the Washington Office. Disallowances, adjustments, or reallocations were adopted in varying degrees for other areas such as overhead expenses, 195 Broadway Corporation expenses, dues, donations, contributions, and AT&T's moving expenses, plus the contract costs attributable to the departments of Customer Services, Treasury, Secretary, Public Relations and Employee Information, Comptroller, and Executive (investor interest activities only). The remaining aspects of the agreement between AT&T and Pacific Tel. and Tel. which were reviewed did not require modification of the associated expenses for the test year studied. The PUC staff completed an updated study of the license contract and other Bell intrasystem arrangements in October 1980.

13. At the federal level, a detailed examination of the Bell license contract occurred in the 1939 FCC Report to Congress, *supra*. The study concluded that: 1) the General Department of AT&T did not keept records of its expenses in such a way as to segregate or permit the segregation of the cost incurred in performing telephone license contract services from those arising out of holding-company activities; 2) AT&T had not made a separation between the benefits accuring to itself and those accruing to the various associated companies from the research activities designed to protect the investment and from other types of services furnished by AT&T; 3) to the extent that development and research work was directed to providing protection for the investment in the telephone business, the costs should not be borne by the associated companies through the license contract fee; a corresponding reduction in the fair rate of return with corresponding reduction in net-earning requirements of licensees would probably be justified, since the protection thus afforded would seem to have been a benefit to the investor rather than to the subscriber; 4) the license contract derived its significance from its historical role as a means of licensor control over the licensees, its inclusion as an operating expense by the subscribing telephone companies, its traditional importance as a source of revenue for AT&T, and its effect of the Bell System's public relations. *1939 Investigation* at 174–77.

14. Subsequently, the FCC examined limited aspects of the AT&T license contract (cash balances, holding company expenses, royalty income) as part of several rate cases. *See AT&T*, Docket No. 11645, *Initial Decision*, 34 FCC 244 (1961); *Final Decision* 34 FCC 217 (1963) *See also AT&T*, Docket No. 16258, *Interim Decision*, 9 FCC 2d 30 (1967); *Reconsideration* 9 FCC 2d 960 (1967); *Further reconsideration* 11 FCC 2d 493 (1968). More recently, during the 1970's, we conducted a wideranging investigation into numerous facets of the Bell System's operations, especially those of AT&T, Western Electric and Bell Laboratories. One of the areas to which some attention was directed was AT&T's General Department and the license contract agreement in general. Relying on an internal Bell study of the license contract, the separated trail staff found waste and inefficiency in the General Department, questionable cost control, an entry barrier to the Bell telecommunications equipment market posed by R&D funding via the license contract, and a lack of clear-cut net benefits to the Bell Operating Companies. Bell responded that its own in-house study turned up only relatively minor criticisms, and that its witnesses had demonstrated the efficiency and economies of the General Department operations. The Commission concluded that ". . . while the General Department appears to have performed well in many respects, improvements could be made in some areas. . . ." *AT&T*, Docket 19129, 64 FCC 2d 1, 18 (1977), *recon.* 72 FCC 2d (1978). This docket, however, clearly did not approach the effort exerted in the NARUC (1945), California (1976–80), and the FCC (1930's) studies of the license contract.

15. *Recent State Decisions.* Evolving over time, a variety of methodologies has been adopted by the state regulatory agencies concerning the appropriate level of expenses under such contractual arrangements. For example, commissions in New Hampshire and Virginia have accepted expenditures equivalent to, but not in excess of, 2.5% of gross collectible operating revenues once they are demonstrated to be prudent and reasonable outlays. *New England Telephone & Telegraph Co.*, 14 P.U.R. 4th 295 (1976); *Chesapeake & Potomac Telephone Co. of Va.*, 10 P.U.R. 4th 255 (1975). The Florida Public Service Commission has refused to disallow a portion of license contract fees "... merely to establish a one percent of revenue cutoff", *Southern Bell Telephone & Telegraph Co.*, 21 P.U.R. 4th 474 (1977). In contrast, a ceiling of 1% is operational in Arkansas, Colorado, Kansas, Michigan and Montana for all license contract costs, while Wisconsin has invoked a 1% limit concerning Bell Telephone Laboratories and .6% for AT&T's General Department. *Southwestern Bell Telephone Co.*, 27 P.U.R. 4th 493 (1979), *The Mountain States Telephone & Telegraph Co.*, 96 P.U.R. 3rd. 321 (1972); *Southern Bell Telephone & Telegraph Co.*, Docket No. 103, 400–U. (Dec. 9, 1975); *Michigan Bell Telegraph Co.*, 5 P.U.R. 4th 209 (1976); *Mountain States Telephone & Telegraph Co.*, 29 P.U.R. 4th 97 (1978); *Wisconsin Telephone Co.*, 6720–AT–2 (1977). The PUC in Hawaii has recently disallowed all of the general services and licenses expenses of the GTE affiliate there because it was unpersuaded that "the programs are real, are not duplicative in nature, that the charges by GT&E are reasonable, and that the services will directly or indirectly aid in providing better services to Hawaiian Telephone Co. consumers at a cheaper cost." *Hawaiian Telephone Co.*, 23 PUR 4th 405 (1978). In June of 1979, the California PUC disallowed $16 million in license contract expenditures which represent investor-related and product-specific expenses. *California PUC Decision No. 90362*, Case No. 10001, June 5, 1979. (Mimeo) Historically, the various state

jurisdictions and the FCC appear to have accepted the license, or service, contract concept in principle but have not unanimously agreed upon any one method or benchmark for determining the reasonableness of such outlays.

II. Present Service Contract Agreements

16. Specific service contract agreements differ among the individual telephone systems, but most resemble the terms and conditions of the Bell System contract. As currently written, the Bell System license contract is an agreement between AT&T's General Department and each of the 21 wholly or majority-owned Bell operating companies as well as Southern New England Telephone and Cincinnati Bell, the two minority-owned companies, to provide advisory, supervisory and technical services.[3] Comparable, but not identical, service agreements exist among the other major United States telephone systems—General Telephone and Electronics, United Telecommunications, Inc., and Continental Telephone Corporation. Billing in all these Agreements is done on an allocative basis, but specifics may differ as a result fo varying management preferences or differing corporate organizational structures. The end result, however, is the same in all cases, namely the monies to finance the license contract are classified as operating expenses and as such become a part of each company's total revenue requirements.

17. Under the current Bell System license contract agreement, three principal functions and services presently are provided: (1) the grant of the right to use equipment under patents owned or controlled by AT&T and protection by AT&T against patent suits; (2) the provision of basic research and systems engineering (R&SE) [4] (3) the provision of financial, legal and technical advice and assistance by AT&T as well as other administrative services. Basic elements of license contract costs arise from services provided by the General Department (95% funded under the contract), Bell Labs' research and systems engineering (the largest single expense item), patent rights, financial costs, and taxes. Formerly billing on the basis of a fee equal to a fixed percentage of each telephone company's gross collectible operating revenues, the Bell license contract now requires payments to AT&T based on a somewhat more flexible allocative principle.[5]

18. It is AT&T's stated policy that specific cost allocation bases "... must be common to the Long Lines Department and licensee companies; they must provide a reasonable relationship to the expected benefit of the operation to the companies;" and they should "follow allocation principles as set forth in the Separations Manual." *See* AT&T's Annual Report of the License Contract Services and Costs, Year 1977, Tab E.

19. In the case of the service contract agreements of the major independent telephone companies—GTE, Continental, and United—the apparent major departure from the Bell arrangement concerns the funding of research and development: the three largest independent telephone systems apparently do not provide monies for basic R&D through their service contracts.

20. The Bell System license contract expenditures dwarf those of other integrated telephone companies. For example, in 1978 Bell operating companies paid over $752 million, and Long Lines in excess of $133 million, to AT&T's General Department pursuant to the terms of the license contract agreements. In contrast, GTE, United, and Continental telcos collectively registered a little over $100 million that same year. With the considerable growth of the Bell contract expenditures experienced in 1979—over $230 million more including Long Lines—the disparity is even greater now. Table I shows total license (service) contract and data service expenditures by major telephone systems for 1979. Table II shows Bell license contract payments, operating revenues and ratios for selected years.

Table I.—*Expenditures by Major Telephone Systems, 1979*

[In millions]

I. License (Service) Contract:	
A. AT&T:	
—Bell operating companies (BOCs) only (paid to General Dept.)	$933.4
—BOCs plus Long Lines	1,118.5
B. GTE—Domestic telephone companies including GTE Satellite Corp. (paid to GTE Service Corp.)	61.0
C. United Telecom—all domestic telephone companies (paid to United Telecom Service, Inc.)	38.2
D. Continental Tel—domestic telephone companies (paid to Continental Tel Service Corp.)	45.0
1979 Total	1,262.7
II. Data Services:	
A. Bell BISP*	
—BOCs only (paid to Bell Labs)	125.8
—BOCs and Long Lines	(1)
B. GTE—domestic telephone companies (paid to GTEDS)**	104.5
C. United Telecom—already included in above service contract expenditures (paid to United Information Services, a subsidiary of United Telecom Service, Inc.)	16.8
D. Continental Tel—domestic telephone companies (paid to Contel Data Services)	20.4

*Business Information Systems Programs
**Includes BISP and data processing services
Sources: Data on Manufacturing, Supply, Directory and Service Affiliates for 1979, for GTE, United and Continental: AT&T Annual Report of License Contract Services and Costs, 1979.
[1] Unavailable.

Table II.—*Bell License Contract Payments and Ratios, Selected Years*

	A. Payments [1]		B. Total operating revenues		A/B Ratios [2]	
	In millions of dollars				Percent	
	BOC's	Long lines	BOC's	Long lines	BOC's	Long lines
Year:						
1950	$33.1	$5.7	$3,301.6	$213.0	1.00	2.67
1960	76.4	16.8	7,597.7	524.0	1.00	3.20
1968	138.9	36.5	13,268.4	1,174.5	1.04	3.11
1969	155.1	45.4	14,605.6	1,375.2	1.05	3.30
1970	175.6	53.6	15,995.4	1,412.2	1.09	3.79
1971	195.6	57.4	17,426.6	1,489.5	1.12	3.85
1972	223.3	54.4	19,774.7	1,613.5	1.13	4.11
1973	254.7	64.1	22,244.7	1,826.0	1.14	3.51
1974	332.0	79.5	24,825.7	1,931.8	1.33	4.11
1975	426.7	92.4	27,470.0	2,122.2	1.55	4.35
1976	526.7	112.2	31,085.2	2,441.3	1.69	4.57
1977	620.0	118.5	34,601.1	2,665.3	1.79	4.44
1978	752.3	133.3	39,031.1	2,923.0	1.92	4.56
1979	933.4	185.1	43,215.1	3,192.7	2.15	5.79

[1] Includes expenses incurred and return requirement.
[2] Ratios were computed using *unrounded* figures for payments and total operating revenues.
Sources: FCC Statistics of Communications Common Carriers. Bell System Statistical Manual. AT&T Annual Report of License Contract Services and Costs.

[3] Technically, the Long Lines Division of AT&T is not a party to the license contract agreement but receives many of the same services and is billed on an allocative basis similar to that of the participating companies. A significant difference, however, is the existence of a contractual fee ceiling based on revenues which in practice is applicable to Bell operating companies but not Long Lines. See para. 21 *infra*.

[4] In 1978, the Bell System terminology "research and fundamental development" (R&FD) was superseded by Bell's" research and systems engineering" (R&SE). Both terms indicate Bell Telephone Laboratories' billing to the General Department (and, ultimately, the Bell operating companies) for work performed pursuant to the license contract. In the terminology which is used herein, "basic research" or "basic R&D" denotes ratepayer—funded research and related activities (e.g., systems engineering) and is generally synonymous with Bell's R&FD and R&SE.

[5] On October 1, 1974, AT&T instituted a new billing method in which it would "... accept as payment for its services an amount equal to each company's allocated share of the total costs, including a return on investment, associated with providing license contract services but, in any case, not to exceed the contractual rate 2.5% of the total gross earnings provided in the contract." (Bell witness Wentworth, TR. 7957, Docket 19129, Phase II). This basis replaced a flat 1 percent assessment which was in effect from 1948 until 1974.

21. A similar arrangement exists between Long Lines and the General Department of AT&T. In 1930, when most of the current Bell license contract agreement were consummated, Long Lines could not legally enter into such a contract since it, unlike the operating companies, was a department within AT&T rather than a separate corporation. Nonetheless, Long Lines has traditionally been provided with services similar to those furnished to the operating companies, and both are billed based on cost allocation studies performed annually. The actual expenditure, as a precentage of total gross telephone revenues, is typically higher for Long Lines than the other companies. In fact the 1979 ratio for Long Lines exceeded 5%-well over the 2.5% ceiling set for the Bell operating companies. *See* Table II. We have included this significant arrangement within this inquiry and, for convenience, will reference it as a license contract.

22. Another in-house billing arrangement involving AT&T's General Department, Bell operating companies, and Long Lines relates to non-license contract expenditures. There are two basic types of such agreements, including: (1) cost-sharing (projects) billing whereby the General Department is the managing partner and (2) billing for conduit activities (*e.g.*, insurance premiums, outside legal fees, audit fees) whereby the General Department act only as payment agent, and costs are limited to only the amount which the Department pays to the outside party. In 1979 cost-sharing billings by the General Department totaled $66.2 million, while conduit billings registered $82.7 million. *See* AT&T's Annual Report of the license Contract Services and Costs, Year 1979, Tab H. At least one other major system, United Telecom, uses such arrangements. Little information is available as to the actual services provided or the cost allocaiton method used.

23. Development of computer-based systems and software programs for use by telephone companies is another function which has apparently been undertaken on a centralized basis by an affiliated service organization. Labeled BISP (Business Information Systems Programs) at AT&T and GTE, the activity is a multi-million dollar operaton which is basically funded on an allocative billing basis. More specifically, at the Bell System, each operating company's share of the development costs incurred is proportionate based on its combined gross plant and operating expenses for the previous year. Long Lines is typically the single biggest contributor. In 1979, the Bell BISP development work performed by Bell Telephone Laboratories for the BOCs was over $125 million. AT&T Annual Report of Lincense Contract Services and Costs, Tab G. At GTE Data Services, Inc. (GTEDS) engages in centralized development of a computerized business information system for the benefit of associated domestic telephone operating companies. Billed on the basis of companies' relative shares of total GTE operating expenses and taxes (exclusive of investment tax credit), the GTE domestic telcos paid $24.8 million to GTEDS in 1979. GTE Data, 1979, p. 105.

24. Data processing services are also frequently provided by a designated organization within a major telephone system. For example, the aforementioned GTEDS and Continental Tel's Contel Data Service Corporation furnish such functions within their respective corporate families.[6] In 1979, billings to domestic telephone companies for the former were in excess of $69 million; for the latter, almost $20.5 million. As in the earlier cases, subjective cost allocations often underlie the billings for these services.

25. We will include within the scope of this inquiry these other intrasystem arrangements. Although, in absolute terms, the expenditures involved are not nearly significant as those for the license contracts, we note growing concern at the state and federal levels for these arrangements as they increase substantially from year to year. Our major focus, however, will remain on the license contract. Although we have included all of these arrangements and all four major carriers, we seek comment on whether each of our proposals would be wisely applied to all.

III. Research and the License Contract

26. Only the Bell System appears to fund basic research through a license contract-type or arrangement. In fact, basic R&D is the largest single element of license contract payments by Bell operating companies. Bell Lab's billing for such research and systems engineering under the contract exceeding $366 million in 1979.

27. The cost of Bell Lab's (basic) research and systems engineering becames a part of the Bell license contract arrangement through a procedure utilizing Budget Decision Packages. This process, which typically requires several levels of interaction and management control involving both AT&T and Bell Labs, is transmitted to the Lab by the AT&T President's organization. Inputs into the decision-making process are provided by both the Bell operating companies and the General Department. Responsibility for Bell Laboratories' performance in controlling its budget resides with a director in the AT&T President's office.

28. Before the actual work may commence, however, a proposed "case"—the fundamental budget unit in the process—must be prepared and documented by the assigned Bell Labs case engineer. In a "case", the proposed work is described and the perceived funding requirement is advanced. It is also the means used to obtain management approval to undertake the specific task or area or work. Each of the cases must be examined and approved by a specific AT&T case number before proceeding to the next level of the Bell Labs-AT&T approval cycle. Final billing for each case is subject to an evaluation by the AT&T Chairman of the Board or his proxy, depending on the magnitude of the dollar involved. Overall, the total Bell Labs annual budget must be approved by the Bell Labs' Board of Directors, and the license contract component of the budget must be officially sanctioned by AT&T.

29. The principal activities currently undertaken by Bell Laboratories pursuant to the terms of the license contract are research and systems engineering (R&SE). Major areas of concentration include switching systems and central office configurations, transmission system, outside plant, and general R&SE. Associated work which is performed by Bell Labs centers on technical and legal aspects of patents, as well as product quality theory and

[6] In the early 1970s the FCC decided that communications common carriers subject to its jurisdiction may not provide data processing services except through a separate corporate subsidiary due to the Commission's concerns about the need to allocate common costs. *Computer Inquiry* (Tentative Decision), 28 FCC 2d 291, (1970), *Final Decision*, 28 FCC 2d 267 (1971), aff'd in part *sub nom, GTE Service Corp. v. FCC*, 474 (2nd. Cir. 1973), *decision on remand*, 40 FCC 2d 293 (1973).

assurance. To conduct these license contract projects and those funds by Western Electic, the Labs in 1979 employed over 19,000 people in 17 laboratories located in eight states.

30. The current and historical role of basic research in Bell system can be succinctly captured through a series of statistical comparisons. Of the two major types of research and development performed by Bell Labs during 1979, approximately 40% was basic research billed to the General Department (and, ultimately, the operating companies) under the license contract agreements, while the remainder was specific design and development funded by Western Electric. *See* Table III. Since at least the early 1960's this general funding ratio for Bell Labs research has apparently held. Disaggregation of total license contract expenses incurred during 1979 reveals that Bell Lab's billing for basic research was also over one-third (35%) of the total, with cumulative non-R&D (*e.g.*, administrative) expenditures by the General Department accounting for the remaining portion (65%) *Id.* A substantial increase in the Bell System's basic research coincided with the genral advent of competition in the late 1960s. *See*, Trial Staff Exhibit 43A, Docket 19129, *supra*. More recently, the outlays have been relatively stable (35–40% of total license contract payments by the BOCs) but increasing substantially in an absolute sense: the 1979 amount is almost 50% higher than the corresponding figure for 1976. In essence, license contract outlays in general and specifically the basic research component have, overall, experienced a not insignificant rate of growth over time, especially in the last decade.

Table III.—*1979 Bell license contract summary*

[Total License Contract Payments—$1.118 billion (BOCs + Long Lines) in billions]

Breakdowns (Rounded Off):	
(1) Allocated Expenses	$1.07
Return Requirement on Investment	.05
Total	1.12
(2) Incurred Expenses:	
Bell Labs Billing (35 pct)	.37
General Dept. Billing (65 pct)	.70
Total (100 pct)	1.07
(3) Bell Labs R & D:	
R&SE* (from License Contract) (37 pct)	.37
Specific (from WE) (63 pct)	.62
(4) 5 largest recipients:	
Bell Labs (35 pct)	.37
Administrative Services Dept. (12 pct)	.13
"Other Expenses" (8 pct)	.09
Marketing (Business and Residence) (6 pct)	.06
Provision for service Pensions and Death Benefits (5 pct)	.05

*Research and Systems Engineering.

Source: AT&T Annual Report of License Contract Services and Cost, 1979.

IV. Discussion

31. The primary purpose of this proceeding is to identify any aspects of the license contract mechanism which may jeopardize the ratepayers' right to efficient, cost-related service, and to determine what action by this agency may be appropriate. In this regard, we set forth below several concerns that are raised by these arrangements.

32. License contracts have been historically justified on the grounds that certain costs are appropriately passed along to monopoly ratepayers via operating company expenses reflecting monies expended for the protection of the ratepayers' interest in telephone service. It is not the intent of this proceeding to challenge the merit of this rationale, but rather we seek information on how to ensure that, in fact, the costs passed on to the ratepayer through this mechanism are properly allocated, and in amounts which are reasonably necessary to achieve effectively that goal.

33. With regard to the funds generated through the license contract mechanism, we wish to investigate whether an arbitrary percentage of revenues can in any way assure that the expenditures are prudent expenses. By fixing the charge not on identifiable cost but rather on a set percentage or revenues, or within an arbitrary range of percentages, there may be little accountability for the reasonableness of the charges. Moreover, it appears likely that the present funding formulas provide minimal incentives to those collecting such funds to provide the contracted services efficiently.

34. These concerns are compounded by the participation of the four major telephone systems in both monopoly and competitive markets. The potential for misallocation of costs between monopoly and competitive goods and services is apparent. This is particularly true where the value of the services funded is not susceptible to any very precise identification, such as with intellectual property gained through research and development. Moreover, there is no readily identifiable, universally recognized line between basic research and specific design and development. This also provides an opportuntiy for misallocation of costs.

35. While this agency and the state regulatory bodies have historically recognized the need for review and accountability of license contract expenditures, we must also recognize that the need has heightened as we move from monopoly to competitive environments. In the *Second Computer Inquiry*, 77 FCC 2d 384 (1980), we expressly noted our concern that carriers' participation in enhanced services markets not be subsidized by monopoly ratepayers through the license contract mechanism. *Id.* at paras. 247–48. Review of the use of license contracts was viewed as critically important to the sharing of R & D (other than software), and we noted that in the absence of meaningful review, joint R & D may need to be prohibited altogether. *Id.*

36. Similarly, we recognize the potential harm to a competitive equipment market—and, in turn, to consumers of services provided by that equipment—that the license contract poses. Western Electric's prices may not reflect its actual costs because monopoly ratepayers, through the license contract, may be subsidizing (under the label "basic R & D") what is truly *specific* R & D performed by Bell Labs for Western. Given this Commission's longstanding finding that competition in the telecommunications equipment market has a direct and beneficial effect on communications ratepayers, the potential for cross-subsidization in this area is equally critical. See generally *AT&T*, Docket 19129, *supra*.[7]

37. The uncertainty of the actual effects of the license contract mechanism has worked to the detriment of the ratepayer and also the telephone company investor. It has possibly impeded the effectiveness of this Commission and state agencies charged with the responsibility of ascertaining and ensuring that expenditures are reasonable. This uncertainty has resulted in a number of occasions in *ex post facto* disallowances of license contract expenditures. *See* paras. 12, 15, *supra*. The difficulties inherent in disallowance procedures create further uncertainties and impose new costs on the ratepayers and the telcos. Further, misallocation of costs threatens to undermine competitive policies established by this agency for the purpose of serving the public interest. Thus, more effective regulatory oversight providing greater certainty is needed.

38. An analysis of the license contract on a national level is long overdue. The fundamental nature of the license contract agreement and its effects hampers judgments regarding its cost effectiveness and fairness in the marketplace. We then are seeking

[7] While the estimates of total R & D funded by the license contract is small when compared with total Western sales, it is nevertheless clear there is cause for concern in that the amounts are substantial and on the increase. See, *e.g.*, the recent California case, cited at para. 12, and para. 30 *supra*.

information concerning and, if appropriate, proposals to correct, such perceived shortcomings as the paucity of functional cost breakdowns; the arbitrariness of the cost allocative bases; the questionable billing basis (0–2.5% revenue range); the uncertainty of the line of demarcation separating basic research and specific design and development; the lingering uncertainty about a "reasonable" level of expenditures; the vague apportionment process for funding the AT&T General Department and Bell Labs; and the inherent difficulties of *ex post facto* disallowances by the regulatory process.

39. In light of the above, it appears evident that two goals may be set forth for this proceeding. First, we seek some method that will effectively evaluate the reasonableness of the expenditures so that the revenue requirements of the carriers consist only of prudent expenses. Second—an objective which is vertiably a subset of the first—we hope to generally safeguard ratepayers by ensuring that they are not subsidizing competitive ventures of the telephone systems in the equipment and service markets. In the specific context of the equipment market, we believe any subsidization by ratepayers of product development costs not then recouped through equipment sale prices harms ratepayers twice. Not only are they paying for services and products from which they are obtaining little or no direct benefit, but also by diminishing competition in the telecommunicaitons equipment supply market, the prices paid by common carriers and the rates consequently charged will be higher. Parties to this proceeding are encouraged to evaluate these goals and to suggest any additional ones which would merit consideration.

40. Accordingly, we are submitting for comment a proposal involving essentially three modifications to the present arrangement that would increase accountability and facilitate oversight: (1) unbundling of services and functions; (2) cost based methods of funding the agreements; (3) procedures to permit meaningful auditing of the expenditures.[8] We also request additional suggestions that would aid us in achieving the objectives set out above.

[8] Further changes in the traditional license contract arrangements may be warranted as the provisions of our *Second Computer Inquiry*, 77 FCC 2d 384 (1980), are implemented. For example, the arrangements may have to be re-examined to properly fashion the relationship between the General Department and AT&T's new separate subsidiary for competitive activities. Comments on this and other related areas are requested.

A. Unbundled Services

41. As earlier described, the services provided under the license contract can be broken down into essentially three areas: Licensing of patents, general "administrative" expenses, and basic research and development. It appears to us that there may be little need to combine these functions in a single contract, particularly since some services may be readily costed out while others are not so susceptible.

42. Our concern here is that the monitoring of system-wide costs and, as a result, the rates which consumers pay, is significantly less effective when categories of costs are not explicitly assignable to particular services or functions. We are not questioning, in this proceeding, the necessity for certain expenses *per se*. Rather, we believe that the effectveness of oversight is diluted when costs are aggregated such that this agency and the state commissions are unable to identify relationships between expenditures and particular benefits flowing to the ratepayer.

43. For example, the licensing of patents appears to be one discrete area that can be provided for in a separate contract. Particularly for AT&T, which is required by the 1956 Consent Decree to license its patents generally at reasonable royalties, and thus has had experience in ascertaining reasonable license fees, the market value of the patents should be discernable. Moreover, patents and related items are segregable from other system functions in that once patents are procured by the company and generally available through cross-licensing agreements, they can be segregated from ongoing research and development. We suggest, in addition, that the patent licensing function may be conducted independently of all other system functions without loss of any synergies which may exist. We also seek comment on whether any further breakdown would be appropriate.

44. There are numerous miscellaneous categories of services provided under the license contract which we will generically refer to as "administrative." Currently, the telephone systems provide a breakdown by the department and division providing the particular class of service, *e.g.*, marketing, administrative service, engineering services, etc. While a single contract calling for the provision of all these may be appropriate, it seems clear that any contract to provide these services must provide for payment based on actual cost. The costs of the various services should not be difficult to track, and without cost–based charges there is no mechanism by which either this agency or the states can determine whether they are prudent expenses properly borne by the ratepayer. Indeed, if the "administrative" element of the license contract, or any portion of it, is not cost-based, expenditures for that element could be viewed as presumptively imprudent and unreasonable because subsidies to or from the element would be occurring. Reporting and auditing of these expenditures is considered at paras. 50–55, *infra*.

45. Finally, we propose that a separate contract for the provision of basic research and development be required. In discussing basic R & D we are not questioning the benefits which ratepayers have received from the basic research engaged in by telephone companies. We believe, however, that there is a necessary relationship between expenditures and benefits, and that we have a responsibility to account for the expenditures and ascertain their relationship to the benefits derived. As noted earlier, basic R & D represents the single largest expenditure under AT&T's license contract arrangements. Moreover, there has been little accountability that the charges paid by the monopoly ratepayer are reasonable either in terms of the absolute amount paid or in terms of whether competitive activities of the telephone systems have been subsidized by monopoly services. This is, of course, not surprising since the allocation task performed by management is almost inevitably subjective. Thus, the regulatory task of assuring that costs assigned to monopoly R&D are accurately segregated from costs incurred in competitive R&D is extraordinarily difficult. Absent regulatory requirements which actually reach and alter the inherent incentive of the rate-base regulated monopoly to reallocate as many costs as possible to its monopoly services, and, correspondingly, as few costs as possible to its competitive services and goods, the monopoly ratepayers may well pay for services and goods which they do not receive. Our goal here, then, is to develop a method to ensure that the ratepayers fund only basic R&D, but not specific R&D properly allocated to Western.

46. Because of the problems peculiar to R&D, we believe that a requirement of cost-based charges and auditing may not sufficiently protect the ratepayer against the potential for cross-subsidization. We are therefore obliged to seek alternative means of identifying and deterring cross-subsidies resulting from the R&D funding process. In addition to general comments in this

area, we seek comment, specifically, on the possibility of making the results of R&D funded through the license contract publicly available. See para. 53 *infra*. We make this proposal advisedly, and in the recognition that further consideration of comments received in this proceeding may cuase us to ultimately act otherwise. Nevertheless, as noted below the notion of having all of those who pay for basic research (*i.e.*, the general ratepayer) reap the benefit of basic research has appeal. This result is, of course, precisely what the logic of charging the general ratepayer for such R&D implies. We note that appropriate safeguards to restrict the availability of information have been employed in the past,[9] and may be employed here should it be found that certain basic R&D or certain potential users of basic R&D should be excepted from this result. A requirement of this type should encourage the proper categorization of monopoly and competitive R&D. With respect to monopoly R&D, this should help to ensure that only that R&D which is for the benefit of all users is charged to all users. With respect to competitive R&D, it should induce AT&T to attempt to maintain efficient R&D costs for competitive products so as to maintain low competitive prices on these products. Moreover, the R&D funded by the ratepayer through the license contract should become auditable and therefore subject to more meaningful regulatory oversight.

47. Since AT&T has historically argued that only R&D serving to improve and protect the monopoly ratepayer's interest is funded through the license contract, it would seem that the publication of such R&D cannot work any competitive harm to the corporation. R&D properly allocated to competitive goods and services remains protected information. It is only reasonable that those customers who benefit from competitive R&D alone pay the association costs.[10]

B. Method of Funding

48. As discussed above, we are concerned that the method now used for determining license contract charges may be arbitrary and, as a result, unacceptable. As also noted, AT&T has on its own initiative taken certain corrective actions in this regard but specific areas of concern remain. See para. 38 *supra*. One possible remedy is actual cost basis should become a formal requirement for all services provided under the license contract. In this way, the regulatory agencies will be better able to test whether the expenses are prudent and appropriately borne by the monoploy ratepayer. Moreover, the identification of actual costs will permit a tailoring of the individual contract to the specific needs of each of the participating telephone companies and the regulatory bodies to review actual costs may serve as an effective deterrent against inefficiencies in the provision of services under the license contract.

49. We believe that this proposal is consistent with a series of actions which we have taken over the past five years.[11] In these decisions, we have asserted that the competitive environment requires a redirection of our regulatory resources to ensure that monopoly services are not employed to reduce the costs of competitive services. The need to detect and prevent cross-subsidy as a pricing response to competition has required us to identify sources from which undetected subsidies can flow. As part of this function, we have identified the license contract as one of those sources in which the opportunity for undetected cross-subsidization remains. By this notice we seek appropriate vehicles to identify and oversee license contract expenditures. We believe that until we have the vehicles to ascertain the relationships between expenditures and benefits derived by ratepayers, we will be unable to determine whether interstate rates are just and reasonable. State regulatory agencies will suffer from the same infirmity.

C. Reporting Requirements and Audits

50. In addition to the unbundling of contracts and our efforts to encourage cost-based funding of license contract expenditures, we believe that setting forth reasonable additional reporting requirements will facilitate achievement of our accountability objectives. We propose that these reports be submitted and made available on a regular basis. Regular reporting would also enable this Commission and state agencies to track developments, inquiring into justifications for changes where appropriate. The increased visibility sure to result from the availability of these reports would tend to make carriers more hesitant to engage in expenditures unable to withstand regulatory scrutiny. The use of generally accepted accounting and auditing principles would enable regulatory agencies to test against recognized standards. We seek comment on these proposals, and on any other proposals which parties might have which would increase license contract accountability without unduly sacrificing synergies of joint operations.

51. Our proposal would require regular reports detailing license contract expenses for each operating company and Long Lines plus applications of license contract funds by the General Department. There would be general applicability to other intrasystem arrangements of the Bell System and non-Bell carriers examined in this notice, as well. Reporting categories would be functional in nature and we seek comment on whether current breakdowns, which are by departments, are sufficient for regulatory surveillance. Independent audits of intrasystem arrangements would be required. The foundation for these features would be a cost-based billing and accounting system.

52. Formal quarterly reports would be required which would detail, at a minimum, identification of companies or other organizational units for whom services or functions were performed or goods procured as well as the types, quantities, and prices of the services and goods involved. Also, it would include the values of such goods, services, and functions that are capitalized and included as part of the interstate rate base or the intrastate rate bases. Finally, it would include a statement of the value of such goods, services, and functions which is charged as an operating expense for the provision of interstate and intrastate telecommunications services. These reports would complement and bolster existing reports on certain intrasystem arrangements (*e.g.*, the AT&T Annual Report of License Contract Services and Costs and GTE, United, and Continental Data on Manufacturing, Supply, Directory, and Service Affiliates) which are regularly filed with the FCC.

53. Under this proposal, Bell Laboratories would publish a formal semi-annual report which furnishes information on patents and ongoing projects, all in the realm of basic research funded ultimately by the monopoly ratepayers under the terms of the license contract. This information would be available to any interested member of the public who would pay a nominal charge covering pro rata costs of publication. The report would be at least in part a formalization of the Bell

[9] *U.S.* v. *Western Electric Co.*, 1956 Trade Cases 71,134, 71,142, Section XIV (C) (D.N.J. 1956).

[10] In addition to the three categories we have identified above, we would expect that BISP, other data processing service arrangements, and cost-sharing and conduit arrangements would continue to be segregated from license contract services.

[11] *See, e.g., AT&T* (Docket 18128), 61 F.C.C. 2d 287 (1976), *reconsid.*, 64 F.C.C. 2d 971 (1977) *aff'd. sub nom ARINC* v. *FCC*, No. 77-1521 (D.C. June 24, 1980); *Multi-Schedule Private Line Services*, 65 F.C.C. 2d 295 (1977).

System's current corporate practice of promulgating its R&D findings through seminars, technial journals and other published sources. (See AT&T Reply Findings, dated April 1, 1976, pp. 86–87, Docket 19129, Phase II). We seek comment on whether these current forms of publication would be appropriate or sufficient to publish all basic R&D in the formalized reports that would be required under such an approach. Similarly, we seek comment on whether the time intervals for reporting would be adequate. We would expect Bell Labs to continue its current "project basis" practice, and this may also provide a basis for formulating the form of the reports. These various reports, taken together, would yield a substantial amount of useful information at regular intervals which would indicate current Bell System basic R&D trends.

54. In addition to these reporting requirements, meaningful accounting and auditing must be accomplished. It appears that a major drawback to the current license contract arrangement is the absence of any meaningful accounting of the use of the fee. For example, one of the major reasons the Colorado Public Utility Commission rejected an increase in the license contract fee from 1% to 2.5% of gross revenues was the inability of Mountain Bell to account adequately for the use of the payments and the PUC's corresponding inability to audit the books. *Mountain States Telephone & Telegraph Co.*, 22 PUR 4th 537 (1977). As the Colorado Commission pointed out, Mountain Bell regularly and routinely pays its license contract fee without sufficient verification of how the funds are used. This is the situation that apparently exisis between all the operating companies and the General Department, and that is apparently present within the major independents as well.

55. We thus raise the possibility that carriers employing the license contract mechanism adopt an auditing program. The critical aspect of such a program would involve the use of outside auditors. As noted earlier, AT&T has undertaken its own internal review of license contract expenditures and apparently has employed outside auditing as well. In order to ensure the accuracy and credibility of such auditing reviews, so as to enable state and federal agencies' use of the reports without duplicating the process, we would require the use of independent, outside auditors to perform this function. Obviously essential to this proposal is some assurance that these outside auditors remain impartial. In order to ensure impartiality, we propose that the company periodically change the independent auditors used. The auditors' reports would be filed with this Commission, and we would envision ready access to them by each of the state regulatory agencies as well. Comments are requested on the efficacy of conducting such audits, *i.e.*, whether and to what extent these examinations are cost-effective, appropriate audit report intervals, whether the reports should generally be made public, and other related topics which would disclose the value or weakness of an independent audit program.

56. We believe that our express objectives of enhancing efficiency and innovation, minimizing anticompetitive abuses, and assuring the reasonableness of intrasystem outlays may be achieved through the approach outlined above. The proposal attempts to foster an effective deterrent to dubious marketplace conduct by emphasizing the unbundling of contractual agreements, cost-based billing, informational sunshine, visible audit trails, and regular audits and evaluations by a diversity of parties.

57. In the specific context of R&D, our proposal would attempt in three ways to ensure that the cost of specific R&D not be funded by the monopoly ratepayer. First, all license contract—funded R&D would be made publicly available. In this way, competitive R&D would be funded by Western, and not through BOC operating expenses. Second, the continuation of the "case method" or "project basis" practice by Bell Labs for all R&D would be required. Third, auditing requirements would be established. The latter two proposals would permit meaningful state and federal regulatory oversight resulting if and when necessary in disallowances.

58. At the same time, fundamental corporate incentives and appropriate management control mechanisms are intended to be preserved wherever the ratepayers' wellbeing is advanced. Hence, the funding and selection processes for Bell Laboratories' basic research projects would not be directly modified, and the Labs' potential for contribution to telecommunications would remain unimpeded. In addition, the operations of the General Department or other telco service organizations are theoretically affected only in a marginal sense by the proposed unbundling and new accounting requirements. The operating telephone companies and their ratepayers are perceived as having a greater probability of receiving their "money's worth" under this approach.

59. We recognize that these proposals set forth only a general framework for modifications. Comments are requested on this general framework, and on any alternative or additional means necessary to achieve the goals identified. Whatever solution is ultimately chosen through this process is not intended or expected to be retained in perpetuity. It is evident that the magnitude of current intrasystem contractual expenditures demands a workable and effective accountability which is consonant to the maximum degree possible with the ratepayers' welfare.

60. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 201–205, 211, 215, 219, 220 and 403 of the Communications Act of 1934 (47 U.S.C. sections 154(i)(j), 201–205, 211, 215, 219, 220 and 403) that a notice of inquiry is hereby instituted in the above-captioned matter.

61. It is further ordered, That Comments in response to the items of inquiry shall be filed May 11, 1981, and Reply Comments shall be filed on June 26, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-4806 Filed 2-11-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Ch. I

[Gen. Docket No. 80-741]

International Telecommunication Union World Administrative Radio Conference, Use of the Geostationary-Satellite Orbit and Planning of the Space Services Utilizing It; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending time for filing comments and reply comments.

SUMMARY: This Order provides a two week extension for filing comments and reply comments in the *Notice of Inquiry* concerning Preparations for the International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It. This action is taken in response to a request for a two week extension of time from Southern Pacific Communications Company filed January 27, 1981, and in recognition of the time delay in releasing the *Notice*.

DATES: Comments must be submitted on or before February 18, 1981. Reply comments are due on or before March 18, 1981.

ADDRESSES: Comments may be mailed to: The Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554; or delivered to Room 222 between 8:00 a.m. and 5:30 p.m. Comments received may be inspected in Room 222 between 8:00 a.m. and 5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Thomas S. Tycz, International Staff, Room 7002, 202–653–8102.

In the matter of an inquiry relating to preparation for an International Telecommunication Union World Administrative Radio Conference on the Use of the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It. General Docket No. 80–741; (45 FR 85126).

Adopted: January 30, 1981.

Released: February 3, 1981.

By the Chief Scientist:

1. On November 25, 1980, the Commission adopted a *Notice of Inquiry*, 45 FR 85126, concerning the above-entitled proceeding. The dates for filing comments and reply comments are February 4, 1981 and March 4, 1981, respectively. The *Notice* was not released until December 16, 1980.

2. On January 27, 1981, the Commission received a petition, filed by the Southern Pacific Communications Company (SPCC), seeking to extend the comment and reply comment deadline to February 18, and March 18, 1981, respectively. SPCC cites the fact that during the intervening period between the adoption and the release of the Notice, the Commission ". . . authorized the construction of twenty-five new domestic satellites and the launch of twenty new or previously constructed satellites." SPCC, as one of the newly authorized domestic satellite carriers,[1] wishes to have its views considered in the Commission's preparations for this Conference. SPCC indicates the release of the *Notice* during the holiday season and the need to coordinate the preparation of its comments between its technical staff and legal staff as reasons for requesting this two week extension of time for filing comments and reply comments.

3. Since there was a delay in releasing the *Notice*, the time available for filing comments is not sufficient for parties to prepare meaningful responses to the many issues raised within the *Notice*. Therefore, we agree with SPCC and have decided to extend the time for filing comments and reply comments.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in the *Notice of Inquiry* in General Docket No. 80–741 are extended to and including February 18, 1981 and March 18, 1981, respectively.

5. This action is taken pursuant to authority found in Section 4(i) of the Communications Act of 1934, as amended and § 0.241 of the Commission's Rules.

Federal Communications Commission.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81–5023 Filed 2–11–81; 8:45 am]

BILLING CODE 6712–01–M

[1] Memorandum Opinion, Order and Authorization (FCC 80–713) adopted December 4, 1980.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–14; Notice 20]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to propose an amendment to Safety Standard No. 208, *Occupant Crash Protection*, to delay for one year the effective date of the first phase of the automatic restraint requirements of the standard and to seek public comment upon such an amendment. The automatic restraint requirements are currently scheduled to become effective for large cars on September 1, 1981, for mid-size cars on September 1, 1982, and for small cars on September 1, 1983. Under the amendment being considered, the requirement for equipping large cars with automatic restraints would not take effect until September 1, 1982. This one-year delay in the automatic restraint requirements is being proposed in light of the dramatic decrease in production plans for large cars and a similar increase in small ones, and in light of the fact that economic circumstances have changed since the standard was adopted in 1977.

DATES: Comment closing date for this proposal is March 16, 1981.

ADDRESSES: Comments should refer to the docket number and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Finkelstein, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–1810).

SUPPLEMENTARY INFORMATION: On July 5, 1977, Federal Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208) ("FMVSS 208"), was amended to require the provision of automatic restraint protection in passenger cars (42 FR 34289). Automatic restraints are systems that require no action, such as buckling a seat belt, by vehicle occupants to be effective. Two existing systems that qualify as automatic restraints are air cushion restraints (air bags) and automatic seat belts (belts that automatically move into place when an occupant enters a vehicle and closes the door).

The standard as amended in 1977 requires automatic restraints to be installed in accordance with the following schedule:

- For full-size cars (wheelbase greater than 114 inches) beginning September 1, 1981 (1982 model year);
- For mid-size cars (wheelbase not more than 114 inches but greater than 100 inches) beginning September 1, 1982 (1983 model year);
- For small cars (wheelbase less than 100 inches) beginning September 1, 1983 (1984 model year).

The Department is considering a further amendment to FMVSS 208 to alter the phase-in schedule by deferring the first phase for one year, from model year 1982 to model year 1983. The basis for such an amendment would be changed economic circumstances since the schedule was adopted in 1977 and the fact that several of the premises underlying the phase-in schedule have been proven wrong by unanticipated events.

The difficulties of the automobile industry and some of its members in particular are well-known. Sales continue at a very depressed level. Unemployment in the domestic automobile industry remains high, with approximately 200,000 workers indefinitely laid off and more temporarily laid off. Losses by even the largest of the domestic manufacturers have been reported. These losses come at a time when the domestic manufacturers must continue to spend unprecedented sums to meet the continuing demand for ever more fuel efficient cars and to meet the challenge of foreign car manufacturers.

In this setting, the Department is also concerned whether changed economic circumstances in the automobile industry may make the automatic

restraint requirements as now scheduled impractical. The Department also notes the potential competitive impacts of the current schedule. One is that implementation now may shift some demand from large cars to mid-size cars at a time when large car sales are already slumping badly. Another competitive impact is that the practical effect of the current implementation schedule is to require domestic manufacturers to begin compliance in model year 1982 while almost all foreign manufacturers need not begin compliance until model year 1984. This disparate effect results from the concentration of foreign manufacturers almost exclusively in the smaller size classes. This last effect has taken on a significance not foreseen in 1977 when Safety Standard No. 208 was amended to require automatic crash protection.

The current phase-in schedule for automatic restraints, set forth above, was intended to permit manufacturers to introduce automatic restraints without undue technological or economic risk at the same time they undertake efforts to meet the requirements imposed by emissions and fuel economy standards for automobiles in the early 1980's. Large cars were chosen for the first phase of the schedule because at that time there was more experience with automatic restraints in full size cars. To provide manufacturers with a chance to gain similar experience in small cars and ensure that they could choose between equipping their small cars with air bags or automatic belts, those cars were to be phased-in last.

Events occurring since the automatic restraint requirements were promulgated, however, have led the Department to consider whether the schedule should be delayed. Gasoline shortages and price increases (especially those in 1979), together with continuing uncertainty about future petroleum supplies, have led to an increase in the small car portion of the car population at a much faster pace than was anticipated by the Department when the automatic restraint requirements were issued. In 1977, the Department projected that new car production in the model year 1982–1985 period would be approximately 22 percent large cars, 41 percent mid-size cars, and 37 percent small cars. Now, however, the Department projects that the large car segment will plunge to 10 percent while the small car segment will rise to 52 percent, with the mid-size car segment remaining about the same. (Fewer than 1,000,000 large cars were produced in model year 1980. By 1984 or 1985, there may be almost none.) Thus, under the current phase-in schedule of the standard, only 10 percent of the 1982 model year cars would be required to have automatic restraints.

This change in the proportion of large cars has substantially reduced the benefits anticipated from applying the automatic restraint requirements to model year 1982 large cars. Based on the Department's 1977 projections on size mix, the installation of automatic restraints in those large cars would have prevented approximately 1,200 deaths and 8,600 serious injuries over the 10 year life of those cars. Those potential savings have been reduced by 50 percent under the new size mix projections.

Moreover, the concern about providing additional lead-time to adapt air bags to small cars may be less important now. As stated earlier, large cars were specified first in the phase-in schedule because then there was more experience with air bags in full-size cars. When the standard was issued, the Department assumed that manufacturers would equip a great majority of their vehicles with air bags. However, since then most manufacturers have indicated that they intend to offer air bags on few of their large cars and on almost none of the small cars. An overwhelming majority of new cars will have automatic belts.

There may not be a need to provide additional time to adapt automatic belts to small cars. Indeed, there is far more experience with automatic belts in small cars than in full-size ones. Volkswagen has had automatic belts on its Deluxe Rabbit model for several years. Additionally, General Motors and Toyota Motor Company have offered automatic belts as options on at least one small car model in the last year. No full-sized cars with automatic belts have been offered to the public. (It should be emphasized that these three manufacturers have voluntarily offered automatic belts before they were required by Safety Standard No. 208.)

In light of these facts, it appears that several principal assumptions underlying the implementation schedule may no longer be accurate. Due to the impact of the standard on the automobile industry, the unanticipated competitive significance of the phase-in schedule, and the unexpectedly fast increase in the proportion of small cars, the Department has determined to seek public comment upon whether the first phase of the automatic restraint requirements should be delayed. This action is being taken in the belief also that it would not be reasonable for the manufacturers to be required to begin compliance with the automatic restraint requirements if the schedule may be significantly altered. Indeed, if the manufacturers were to commence complying with those requirements, it would limit the Department's ability to revise the implementation schedule and reduce the manufacturers' ability to take full advantage of any revision. In view of the nearness of the beginning of the next model year, the Department is issuing this proposal now and will consider additional review and revisions of the rule.

As is explained in the Regulatory Analysis, a simple one year delay for large cars would adversely affect safety. The Department estimates that the delay would result in approximately 600 more deaths and 4,300 more serious injuries than would occur under the current schedule over the lifetime of the cars, which is now assumed to be 10 years. It is possible that this assumption may have to be changed in light of the changing fuel situation.

The Department's preliminary evaluation has determined that delaying the first phase of the current schedule for one year will provide manufacturers with substantial financial and engineering resources to devote toward further improvements in automatic restraint mechanisms and systems as well as other important product programs, particularly efforts to make cars more fuel efficient. If the Department should decide to adopt a one year delay for large cars, GM and Ford together could defer up to $37 million in investments, according to industry figures. That figure is based primarily on the situation as of January 1981 and so would be lower when final action is taken on this proposal. The delay would also provide these manufacturers with more time and resources to devote toward refining the designs for the automatic restraints in the mid-size and small cars that will comprise 90 percent of the new car population in the coming years instead of in the large cars which will soon be phased out. It should also be noted that the total savings to consumers from taking this step is estimated to be $50–$70 million.

The Department notes that Congress also may be reassessing the standard. In the waning days of the 96th Congress, the automatic restraint standard was considered during deliberations on the Motor Vehicle and Cost Savings Authorization bill. The Conference Committee report on the Authorization bill included provisions that would have required amendment of Safety Standard No. 208 to delay the automatic restraint requirements for one year and to reverse

the schedule so that small cars would be equipped with automatic restraints first. Although the Authorization bill was not passed in the 96th Congress, there are indications that similar provisions will be considered by the new Congress. This fact strengthens the Department's tentative conclusion that manufacturers should not be required to commence installing automatic restraints on September 1, 1981.

Moreover, it is possible that the net effect on safety of the one year delay now under consideration and of such further change in the implementation schedule as the Congress had considered could be positive. This could occur if it is feasible to equip small cars with automatic restraints earlier than model year 1984 and the compliance schedule were to be reversed so that small cars must comply first, beginning in model year 1983. That schedule might save more than the current one due to the greater number of small cars and the greater susceptibility of small car occupants to serious injury in a crash.

The agency's preliminary evaluation has shown that this rulemaking action is a significant regulation under Executive Order 12221, "Improving Government Regulations," and the departmental guidelines implementing that Order. It has shown further that a regulatory analysis is required. The preliminary regulatory analysis has been placed in the Docket Section of the National Highway Traffic Safety Administration under the numbers of this notice. A free copy is available from the Docket Section. Interested persons are urged to respond to the questions set forth at the end of the analysis.

The Department has determined that the deferral of only the first phase of the schedule set forth in FMVSS 208 for a period of one year would not be a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

Incorporated in the analysis is the Department's consideration of the possible impact of this proposal on small businesses. There do not appear to be a substantial number of small businesses that would be significantly affected by this proposal. Although the manufacturers of automatic restraint components would be adversely affected by the proposal, they are not small businesses within the meaning of the Regulatory Flexibility Act. The Department also considered the impact of this proposal on small governmental units and other small fleet purchasers of cars. Since large cars are generally not being purchased for fleet use, this proposal should not affect those entities. Therefore, preparation of an initial regulatory flexibility analysis is not necessary.

Nevertheless, the Department has examined the proposal's impact on manufacturers of automatic restraints. While the automatic restraint manufacturers would receive payment for the cancellation of any contracts for those components, they would lose the profit that would have come from performance of the contracts for model year 1982. The effects of these losses on automatic belt manufacturers could be substantially mitigated if the compliance schedule were further revised as previously considered by the Congress, that small cars must comply first. The effects solely attributable to the delay proposed by this notice and any further revisions in the standard on air bag component manufacturers is less certain. Past delays in the automatic restraint requirement apparently led some manufacturers to cease work on those restraints.

In addition to the questions set forth above, the Department requests responses to the questions that follow. To facilitate analysis of the responses, commenters are requested to explain the sources of their information and to break down their cost figures.

Questions for Passenger Car Manufacturers

1(a) Using the assumption that there is no change in the current automatic restraint standard, please provide a table of projected U.S. sales of passenger cars for model years 1982, 1983, and 1984, broken down by wheelbase greater than 114 inches, not greater than 114 inches but more than 100 inches, and not more than 100 inches. For each of these wheelbase categories, provide a breakdown of the number of each type of restraint system (air bag or automatic belt) to be installed.

(b) Answer question 1(a) using the assumption that the compliance date for large cars is delayed one year.

(c) Answer question 1(a) for each of the following alternatives:

(i) Requiring small cars to begin complying in model year 1983, mid-size cars in model year 1984, and large cars in model year 1985; and

(ii) As suggested in the last Congress, delaying the existing schedule one year so that large cars begin complying in model year 1983, mid-size cars in model year 1984, and small cars in model year 1985.

2(a) How much capital have you already invested for the introduction of automatic restraints in model year 1982 large cars?

(b) How much capital investment could be saved or postponed one year by a one year delay in the effective date for large cars? Please indicate how this amount changes on a month-to-month basis.

(c) Answer question 2(b) for each of the alternatives listed in question 1(c).

3. For each of the alternatives described in question 1 (b) and (c) for car manufacturers, indicate the effect that the alternative would have on the incremental price per car of automatic belts and air bags. Indicate also the price savings that would result from the different alternatives.

Questions for Automatic Restraint Suppliers

1. For each of the alternatives described in question 1 (b) and (c) for car manufacturers:

(a) Could your contract be cancelled altogether or are you guaranteed a certain number of parts?

(b) What percent of your business would be lost?

(c) How many employees would be affected? How many would be laid off? How many would be used on other jobs in the plant?

(d) What other impacts would there be?

General Questions

1. What are the potential ramifications, other than the costs and benefits discussed in the draft Regulatory Analysis, of the alternatives described in question 1 (b) and (c) for car manufacturers?

2. What would the effect of the alternatives described in question 1 (b) and (c) for car manufacturers be on the consumer price of model year 1982 large cars?

3. Would a one year delay for large cars result in any automatic restraint design improvements or in any increase in the marketability of automatic restraints?

In consideration of the foregoing, comments are requested upon whether FMVSS 208 should be amended to delay for one year the automatic restraint requirements scheduled to take effect for large cars on September 1, 1981.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. Due to the nearness of the date for implementing the automatic restraint requirements with respect to large cars and the need of the car manufacturers to expend funds in anticipation of those requirements, the

Department has decided to use a 30 day comment period.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Department will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407))

Issued on: February 9, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-5045 Filed 2-10-81; 10:48 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 46, No. 29
Thursday, February 12, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Public Access and Information; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–163), notice is hereby given of a meeting of the Committee on Public Access and Information of the Administrative Conference of the United States, to be held at 10:00 a.m., Friday, February 27, 1981 in the Library of the Administrative Conference, 2120 L Street NW., Washington, D.C.

The Committee will meet to discuss (1) Professor John Bonine's study of agencies' practices and policies for acting upon requests for waiver of fees under the Freedom of Information Act, and (2) other public access and information topics.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Michael W. Bowers (202–254–7065). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.
February 5, 1981.
[FR Doc. 81-4887 Filed 2-11-81; 8:45 am]
BILLING CODE 6110-01-M

Freedom of Information Act; Confidential Business Information; Meeting Change

AGENCY: Administrative Conference of the United States; Committee on Regulation of Business.

ACTION: Committee meeting, date and location change.

Agenda for Meeting

The Committee will consider a draft report of its consultant, Professor Russell B. Stevenson, Jr., entitled: *Protecting Business Secrets Under the Freedom of Information Act: Managing Exemption 4.* Tentative recommendations on agency treatment of confidential business information may be formulated by the Committee.

DATE; TIME; PLACE: March 3, 1981; 1:30 p.m.; Room 540, 2120 L Street NW., Washington, D.C. This meeting was originally scheduled for February 17, 1981, in room 500 (46 FR 9680, January 29, 1981).

Public Participation

Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least one day in advance of the meeting. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person. Copies of the consultant's draft report are available on request to the contact person.

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037. Telephone: (202) 254–7065.

SUPPLEMENTARY INFORMATION: The Administrative Conference Committee on Regulation of Business (formerly called the Committee on Ratemaking and Economic Regulation) is working toward developing recommendations concerning agency procedures and practices in dealing with Freedom of Information Act requests for information that would fall within exemption 4 of the Act, the "business records exemption" (5 U.S.C. 552(b)(4)). This information would ordinarily be in the form of documents in an agency's possession that had been submitted to the agency by a private person or business firm and that deal with the business of the individual or firm, and would include documents containing "confidential" information or trade secrets.

The Committee recently received a draft report on this subject from consultant Russell B. Stevenson, Jr. of the National Law Center, George Washington University. Also, several submissions were received in response to a notice of inquiry published in the **Federal Register** (45 FR 70033, Oct. 22, 1980). The meeting on March 3 will be the Committee's first opportunity to discuss the report and public submissions.

If the Committee proposes any tentative recommendations at this meeting, these recommendations will be published for public comments, as well as distributed to affected agencies for government comments. The Committee would then hold one or more additional meetings to decide on final proposed recommendations to be placed on the agenda of the next plenary session of the Administrative Conference on June 11–12, 1981.

Richard K. Berg,
Executive Secretary.
February 5, 1981.
[FR Doc. 81-4886 Filed 2-11-81; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Land and Resource Management Plan, Malheur National Forest Grant, Harney, Baker and Malheur Counties, Oregon; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the proposed Land and Resource Management Plan for the Malheur National Forest.

Preparation of the Plan will follow direction outlined in the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. The Forest Plan will be prepared according to regulations (36 CFR 219) promulgated by the Secretary of Agriculture. The regulations implement Section 6 of the National Forest Management Act of 1976.

The resulting Plan will provide for multiple use and sustained yield of products and services from the Malheur National Forest. The Plan will guide all natural resource management activities and establish management standards and guidelines.

The Forest Plan will be selected from among a range of alternatives which will include at least (1) a no-action alternative, (2) alternatives that display a range of resource outputs, and (3) alternatives designed to resolve the identified major public issues and management concerns.

The Forest Plan will be coordinated with the public, Indian tribes, local, city, county, and State Governmental organizations, as well as other Federal agencies.

Public participation is an integral part and will be encouraged throughout the planning process. Public participation and preliminary issues were compiled from past planning activities and are being sent by mail to those interested individuals, organizations, and Governmental offices on the Forest Plan mailing list. Opportunities for all to comment on the Forest Plan will be a part of each step of its development.

The Malheur National Forest held four public workshops to determine the scope and the significance of the issues to be analyzed in depth in the environmental impact statement.

R. E. Worthington, Regional Forester, is the responsible official for this Plan.

Further information about the planning and environmental impact statement process or comments on the Notice of Intent should be directed to: Chet Bennett, Land Use Planner, Malheur National Forest, 139 NE Dayton, John Day, Oregon 97845, (503) 575–1731.

The draft environmental impact statement is expected to be available for public review about June 1982. The final environmental impact statement is secheduled to be completed in January 1983.

Dated: February 3, 1981.

Frank J. Kopecky,

Acting Regional Forester.

[FR Doc. 81–4884 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–11–M

Modoc National Forest Grazing Advisory Board; Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10:00 a.m., March 6, 1981, in the Conference Room of the Supervisor's Office at 441 North Main Street, Alturas, California.

The purpose of this meeting is to discuss election of new Advisory Board members, range betterment funding, and allotment management plans.

The meeting will be open to the public. Persons who wish to attend or who would like further information should notify William E. Britton, Modoc Supervisor's Office, telephone 916–233–3521. Written statements may be filed with the board before or after the meeting.

G. Lynn Sprague,

Forest Supervisor.

February 4, 1981.

[FR Doc. 81–4890 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–11–M

Challis Forest Land and Resource Management Plan; Challis National Forest; Custer, Lemhi, Blaine, Butte, Idaho and Valley Counties, Idaho; Intent to Prepare an Environment Impact Statement

Pursuant to the National Environmental Policy Act of 1969 and the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act of 1976, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for a Forest Land and Resource Management Plan for the Challis National Forest.

The Forest Plan will be prepared according to regulations promulgated by the Secretary of Agriculture. The regulations will implement Section 6 of the National Management Act of 1976.

The Forest Plan will replace all previous Plans and provide direction for all lands on the Challis National Forest.

The Forest Plan will be coordinated with local, county, State and other Federal Agencies. Public involvement will be encouraged and sought throughout the planning process.

Opportunities to comment on the Forest Plan will be a part of each step on its development.

As a primary source of gaining public input, the Challis National Forest will use a standardized format that allows for personal contact with small groups and/or individuals.

Human Resource Units will be established and contacts made to assure adequate input as described in § 219.7 of the **Federal Register** of Monday, September 17, 1979 (44 FR 53928).

Additionally, the Challis National Forest may hold public resource workshops as needed. Locations for the workshops would be announced well in advance. The workshops would be designed to refine public issues, concerns, and opportunities, and to formulate preliminary alternatives.

Alternatives will be displayed in the Environmental Impact Statement and will include, as a minimum: A No-action Alternative (current management) and others dealing with reducing backlogs, meeting outputs assigned by Regional Plan, and dealing with the public issues and concerns.

Jeff Sirmon, Regional Forester, Intermountain Region, is the responsible official. Questions about the proposed action and Environmental Impact Statement should be directed to Gordon Reid, Forest Planner, Challis National Forest (phone 208/879–2285).

A Draft Environmental Impact Statement should be filed and available for public review by June 30, 1983. The Final Environmental Impact Statement is scheduled to be completed by December 31, 1983.

Written comments on issues or concerns that should be addressed in the Land Management Plan should be sent to Jack E. Bills, Forest Supervisor, Challis National Forest, P.O. Box 404, Challis, Idaho 83226. To be of assistance, they should be received by March 12, 1981.

Dated: February 3, 1981.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 81–4904 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–11–M

Forest Land and Resource Management Plan; Rio Grande National Forest; Alamosa, Archuleta, Gonejos, Hinsdale, Mineral, Rio Grande, Saguache, and San Juan Counties, Colo.; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act of 1976, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the Forest Land and Resource Management Plan (Forest Plan) for the Rio Grande National Forest.

The Rio Grande National Forest is located in Alamosa, Archuleta, Conejs, Hinsdale, Mineral, Rio Grande, Saguache, and San Juan Counties, Colorado. The Forest Supervisor has administrative authority over approximately 1,900,000 acres of National Forest System lands.

The work plan for completing the Forest Plan is available for public review at the Forest Supervisor's Office, Rio Grande National Forest, 1803 West Highway 160, Monte Vista, Colorado 81144, telephone (303) 852–5941.

The Forest Plan will provide management direction for these National Forest System lands and will replace the existing District multiple use plans and timber management plan.

The Forest is beginning to gather and organize data and information for the planning effort, as well as developing procedures for analyzing, evaluating, and updating planning information.

Preliminary public issues have been identified through analysis of the comments received on previous planning efforts initiated by the Forest. These issues for the Forest are recreation managment, wilderness management, water quality and quantity, access to National Forest System lands, maintenance of roads and trails, conflicts between various resource users, protection of scenic quality and cultural resources, reforestation, the supply of wood products, and road construction in new areas related to timber managment. Based on these preliminary issues and concerns, an interdisciplinary team will develop preliminary planning criteria, collect data and information, and prepare a preliminary management situation statement. The planning action documentation for public issues, management concerns, and management opportunities; planning criteria; data bases; and, analysis of the management situation are currently scheduled to be available for public review around June 1982.

Alternatives will be developed by the interdisciplinary team to respond to public issues and management concerns. Each alternative will represent to the extent practicable, the most cost-efficient combination of management practices that can meet the objectives established in the alternative. The alternatives will reflect a range of goods and services and expenditure levels. Each alternative will be capable of being achieved. Each alternative will state: the condition and uses that will result from long-term application of the alternative; the goods and services to be produced, and the timing and flow of those goods and services; resource management standards and guidelines; and the purposes of the management direction proposed.

A "no action" alternative will be formulated. It will represent the most likely condition expected to exist in the future if current management direction would continue unchanged. Each alternative will provide for the orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple use objectives of that alternative. The Forest Plan will be selected from the reasonable range of alternatives. Documentation for alternatives, effects of alternatives, and evaluation of alternatives will be available for public review as part of the draft environmental impact statement.

The Forest Service will publish a media notice and validate the preliminary issues and management concerns using a variety of public participation techniques including news releases, brochures, posters, office displays, personal letters, open houses, and/or workshop type meetings for interested publics including individuals, groups, and other agencies.

The draft environmental impact statement is tentatively scheduled for transmittal to the Environmental Protection Agency February 1983. A 90-day period for public review and comment will follow. The final environmental impact statement is tentatively scheduled for transmittal to the EPA in September 1983, with implementation of the Forest Plan to begin in October 1983.

Craig W. Rupp, Regional Forester, Rocky Mountain Region, is the responsible official. Terry Y. Dangler, Rio Grande National Forest, Monte Vista, Colorado, will lead the interdisciplinary team in preparing the Forest Plan and environmental impact statement.

Please contact George W. Whitlock, Forest Supervisor, Rio Grande National Forest, 1803 West Highway 160, Monte Vista, Colorado 81144, telephone (303) 852-5941, for further information and any adjustments in the scheduled availability of planning action documentation or for comments on this Notice of Intent and the Forest Plan.

Dated: February 6, 1981.

Craig W. Rupp,

Regional Forester.

[FR Doc. 81-4975 Filed 2-11-81; 8:45 am]

BILLING CODE 3410-11-M

Nezperce National Forest Grazing Advisory Board; Meeting

The Nezperce National Forest Grazing Advisory Board will meet at 10 a.m., March 11, 1981, in the Forest Supervisor's Conference Room, Grangeville, Idaho. The purpose of this meeting is to review allotment management plans and range betterment funds.

The meeting is open to the public; however, public comments and discussion is limited to after the agenda items are covered. Persons who wish to attend should notify Thomas L. Griffith, 208-983-1950, Extension 25. Written statements may be filed with the board before or after the meeting.

Don Biddison,

Forest Supervisor.

February 3, 1981.

[FR Doc. 81-4965 Filed 2-11-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Big Muddy Creek Watershed, Kentucky; Availability of a Record of Decision

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Availability of a Record of Decision.

FOR FURTHER INFORMATION CONTACT: Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40505, telephone number (606) 233-2749.

NOTICE: Pursuant to the National Environmental Policy Act (Public Law 91-90), Regulations for Implementing the Provisions of the National Environmental Policy Act (40 CFR Part 1500), and Soil Conservation Service Regulations for Compliance with NEPA (7 CFR Part 650), the State Conservationist gives notice of availability of the record of decision as the responsible Federal official for the Big Muddy Creek Watershed project, a project planned under authority of Public Law 83-566 (16 U.S.C. 1001-1008) and located in Butler and Logan Counties, Kentucky. Single copies of the record of decision may be obtained by writing Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone (606) 233-2749.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: January 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-4972 Filed 2-11-81; 8:45 am]

BILLING CODE 3410-16-M

Chickahominy-Moody Slough Watershed, California; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis,

California 95616, telephone number (916) 758–2200.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Chickahominy-Moody Slough Watershed, Yolo County, California.

The environmental assessment of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Francis C. H. Lum, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection and flood prevention. Fish and Wildlife features may be incorporated into the project. Alternatives being considered include floodwater detention structures, diversion channels, channel enlargement, and nonstructural measures. A preliminary report is available and may be obtained by contacting Francis C. H. Lum.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Francis C. H. Lum, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally-assisted programs and projects is applicable)

Dated: January 30, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81–4071 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–16–M

Draft Revised Public Participation Policy; Notice of Availability

AGENCY: Soil Conservation Service (SCS).

ACTION: Notice of Availability of Draft Revised Public Participation Policy.

SUMMARY: This announces the availability of the SCS draft revised public participation policy for review and comment by interested parties. To obtain a copy, contact Ida D. Cuthbertson, Public Participation Coordinator, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447–3929. SCS welcomes comments until March 31, 1981.

FOR FURTHER INFORMATION CONTACT:

Ida D. Cuthbertson, Public Participation Coordinator, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, (202) 447–3929.

David G. Unger,

Associate Chief.

February 2, 1981.

[FR Doc. 81–4073 Filed 2–11–81; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

[Docket No. 39251]

New Gateways to Brazil Case; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., February 6, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81–5014 Filed 2–11–81; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

Alabama Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 3:30 p.m., on March 23, 1981, at the Holiday Inn-State Capitol, 924 Madison Avenue, Montgomery, Alabama 36104. The purpose of this meeting is to plan for voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Marie S. Jemison, 3328 Dell Road, Birmingham, Alabama 35223, (205) 871–0283; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE, Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC., February 9, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–4939 Filed 2–11–81; 8:45 am]

BILLING CODE 6335–01–M

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10 a.m. and will end at 3 p.m., on March 2, 1981, at 230 South Dearborn Street, Room 3280, Chicago, Illinois, 60604. The purpose of this meeting is to approve Special Education Handbook, follow-up plans for Special Education and Redlining Projects and activities for FY 82.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss. Theresa F. Cummings, 2636 W. Lawrence Avenue, Springfield, Illinois 62704, (217) 788–0751; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 9, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–4940 Filed 2–11–81; 8:45 am]

BILLING CODE 6335–01–M

South Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:30 p.m., on March 9, 1981, at the Carolina Townhouse, 1615 Gervais Street, Columbia, South Carolina 29203. The purpose of this meeting is to release statement on ERA and plan for voting rights project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Oscar P. Butler, Jr., P.O. Box 1705, South Carolina State College, Orangeburg, South Carolina 29117, (803) 536–7040; of the South Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303, (404) 242–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 9, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81–4941 Filed 2–11–81; 8:45 am]

BILLING CODE 6335–01–M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on March 4, 1981, at the Brown Derby Motel, 101 Northfield Road, Montpelier, Vermont. The purpose of this meeting is to plan the agenda for a two-day planning meeting in April and a report from the Education and Franco-American Subcommittees.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson & PO, Burlington, Vermont 65401, (802) 658–4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (8) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 9, 1981.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 81-4942 Filed 2-11-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 4–81]

Proposed Foreign-Trade Zone; Indianapolis, Indiana; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Indianapolis Airport Authority (IAA), a municipal corporation, requesting authority to establish a general-purpose foreign-trade zone in Indianapolis, Indiana, within the Indianapolis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 6, 1981. The applicant is authorized to make this proposal under the Indiana Code 3–10–3–2.

The applicant proposes to establish a 15.3-acre foreign-trade zone at the Indianapolis International Airport on two separate parcels. Parcel A is a ½ acre site on Pearson Road adjacent to the airport's international cargo apron. It contains a 20,000 square foot warehouse, which has been designated for initial zone operations. Parcel B, also on airport property, is at the intersection of Washington Street and Girls School Road. This 14.8-acre parcel has been designated for future zone growth and development.

The zone project is the result of the combined efforts of IAA and the Greater Indianapolis Chamber of Commerce with the support of the City-County and State governments. The zone is designed to help the City and State in their economic development efforts to reduce the region's dependence on traditional industries by attracting new technology, high-growth firms.

The application contains economic evidence concerning the need for zone services in the Indianapolis area. A variety of firms have indicated an interest in using the zone for storage, distribution, assembly, processing and light manufacturing of electronics products and components, apparel, sporting goods, abrasives, parts for metal fabricating machinery, pharmaceutical chemicals, compressors, and engine parts.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Ben L. Irvin (Chairman), Deputy Director, Office of Compliance, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Donald L. Cavanaugh, District Director, U.S. Customs Service, Region IX, 6th Floor, Plaza Nine Building, 55 Erieview Plaza, Cleveland, Ohio 44114; and Colonel Charles E. Eastburn, District Engineer, U.S. Army Engineer District, Louisville, P.O. Box 59, Louisville, Kentucky 40201.

As part of its investigation, the Examiners Committee will hold a public hearing on March 19, 1981, beginning at 9:00 a.m., in the Auditorium, First Floor, American Fletcher National Bank Building, 101 Monument Circle, Indianapolis, Indiana. The purpose of the hearing is to help inform interested person about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by March 6, 1981. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary at any time from the date of this notice through April 18, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at one of the following locations:

District Office, International Trade Administration, U.S. Department of Commerce, 357 Federal Building/Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: February 9, 1981.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 81-5000 Filed 2-11-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration/Department of Commerce.

ACTION: Notice of Agency Recommendation on Claim Filed Under Title IV, Outer Continental Shelf Lands Act Amendments of 1978 (Title IV).

SUMMARY: Notice is given that the Agency intends to recommend to the NOAA Office of Administrative Law Judges, which will decide the matter, that Title IV Claim No. FCF–59–79 be settled by payment to the claimant of $9,105.95 from the Fisherman's Contingency Fund. Interested persons have 15 days to request the Administrative Law Judge (ALJ) to conduct an oral hearing concerning the claim or to request to be admitted as parties to any hearing on the claim.

DATES: Requests for oral hearing or to be admitted as a party must be received by February 27, 1981.

ADDRESS: Send requests to: NOAA Office of General Counsel (GCEL), Room 275, Page One Building, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell or Harry Feehan (address above). Telephone: (202) 254–8350.

SUPPLEMENTARY INFORMATION: Title IV, 43 USC 1841, established the Fishermen's Contingency Fund (Fund) to compensate commercial fishermen for vessel and gear damage and lost profits caused by items associated with oil and gas activities on the Outer Continental Shelf. On July 13, 1979, Claim No. FCF–59–79 was filed. The claim seeks compensation from the fund of $12,062.03 for damage to a shrimp trawl

and the fishing vessel ($9,452.53), lost profits ($2,064.50) and expenses ($545.00) caused by claimant's catching an apparent oil well completion head in his net on June 6, 1979, at coordinates 29°00.2'N and 92°17.7'W.

As required by the 50 CFR Part 296 regulations implementing Title IV, notice of the claim was published on September 2, 1980 (45 FR 58175). The gear loss portion of the claim was incorrectly stated in that notice to be $5,424.95 and expenses were there given at $45. That notice gave interested persons, as defined in 50 CFR 296.2, 30 days to advise the Chief of the National Marine Fisheries Service's Financial Services Division (FSD) that they wished to submit evidence concerning the claim or to be admitted as parties at any hearing held in respect to the claim. No response has been received.

That notice also advised that FSD may negotiate with the claimant a proposed settlement of the claim. FSD has done so in this case, with the result that claimant and FSD have agreed to a proposed settlement in the total amount of $8,560.95 ($7,924.95 for gear and vessel damage and $636.00 for lost profits), and further have agreed that the ALJ will determine the amount of expenses.

As provided by 50 CFR 296.8(d)(3), notice is given that NOAA General Counsel has determined that the official agency recommendation in this matter will be in the amounts set out immediately above, plus $545.00 for expenses, for a total of $9,105.95. Any interested person who objects to this recommendation, or the claimant, may request that the ALJ who will be assigned to the case conduct an oral hearing concerning the claim. In either event, the request must be in writing and must be filed with General Counsel at the address and by the date set out above. If the request is for an oral hearing, the request must state the reasons why an oral hearing should be held. If the request is to be admitted as a party, the request must state why it was not filed in a timely manner under 50 CFR 296.8(a)(3)(v). The ALJ will rule on all such requests under 50 CFR 296.10(a)(3). Any interested person may obtain a copy of such portions of the claim as are disclosable by law by writing to the General Counsel at the above address.

At the close of the 15-day period referred to at the beginning of this notice, the General Counsel will refer the claim, together with the agency recommendation and any requests received in response to this notice, to the NOAA Office of Administrative Law Judges for adjudication. It is the present intention of General Counsel to request the ALJ to decide this claim without an oral hearing.

Final regulations governing the Title IV Program were published on January 24, 1980 (45 FR 6062), and July 2, 1980 (45 FR 44942).

Signed at Washington, D.C., this 10th day of February, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-5192 Filed 2-11-81; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Systems of Records, Annual Publication

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of annual notice of the existence and character of each system of records that the Commodity Futures Trading Commission ("Commission") maintains which contains information about individuals; changes from previous annual notice.

SUMMARY: The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a.

Pursuant to 5 U.S.C. 552a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals. (40 CFR 41056). The rules, as amended, (17 CFR Part 146) deal with an individual's right to know what information the Commission has in its files concerning him, his right to have access to those records, his right to petition the Commission to have inaccurate or incomplete records amended or corrected, and his right not to have personal information disseminated to unauthorized persons.[1]

Under 5 U.S.C. 552a(e)(4), the Commission is required to publish annually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, and its previous annual notice, 45 FR 28391-28408 (April 29, 1980), will provide individuals with the information they need to exercise fully their rights under the Privacy Act.

EFFECTIVE DATE: February 12, 1981.

FOR FURTHER INFORMATION CONTACT: Jane K. Stuckey, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254-6126.

SUPPLEMENTARY INFORMATION:

Content of System Notices

Each system notice contains the following information:

1. The name of the system;
2. The location of the system;
3. The categories of individuals on whom records are maintained in the system;
4. The categories of records maintained in the system;
5. The authority for maintaining the system;
6. Each routine use of the records contained in the system, including the categories of users and the purpose of each use;
7. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
8. The title and business address of the agency official who is responsible for the system of records;
9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him;
10. The agency procedures by which an individual can find out how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
11. The categories of sources of records in the system.[2]

The Location of Systems of Records

The eighth item described above calls for the address of the Commission office involved. The Commission maintains offices in the following locations:

2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254-3382

2000 L Street, NW., Washington, D.C., Telephone: (202) 254-3067

[1] The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed.

[2] Two systems of records, on relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. Section 552a(k). Among the requirements from which these systems have been exempted is the requirement that the information listed under items (9), (10), and (11) above be furnished.

233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606, Telephone: (312) 353–9499
4901 Main Street, Room 208, Kansas City, Missouri 64112, Telephone: (816) 374–2994
One World Trade Center, Suite 4747, New York, New York 10004, Telephone: (212) 466–2071
Two Embarcadero Center, Suite 1660, San Francisco, California 94111, Telephone: (415) 556–7503
510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 725–2025.

Where multiple locations are involved in a system notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City, New York, and San Francisco offices as the "regional offices," and all offices collectively are described as "all CFTC offices."

In many cases records within a system will not all available at each of the offices listed in the system notice. For example, case files are basically maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computers are physically located in Chicago and also in the Washington, D.C., headquarters office, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, if would be helpful to the Commission if he would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants" [3] contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act.[4]

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under the name. Accordingly, information about principals of a firm under investigation which might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

General Statement of Routine Uses

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes.[5]

The Privacy Act and the rules specifically provide that disclosure may be made with the written consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae, and may be disclosed in response to a subpoena issued in the course of a proceeding to which the Commission is not a party.

2. The information may be given to the Justice Department, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other federal, state or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any member of Congress who is acting in his capacity as a member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq., and to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.

4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.

5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts some of this information might be considered personal in nature.

[3] A futures commission merchant is someome engaged in soliciting or accepting orders for the purchase or sale of commodity futures in the manner defined in Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2.

[4] See the definition of system of records in the Privacy Act, 5 U.S.C. 552a(a)(5), and Section 146.2(g) of the Commission's Privacy Act rules, 17 CFR 146.2(g).

[5] Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b), and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

6. The information may be disclosed to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.

7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

8. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above description. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses, all of the eight routine uses listed above apply to that system.

System Notices

In the interest of economy, only particular items of those Commission systems of records which have changed during this reporting period are set forth below.

In the previous annual notice of its systems of records, 45 FR 28391–28408 (April 29, 1980), the Commission published complete information about each system. This update should thus be read together with the previous notice.

In addition, the Commission has indicated its intention to revise its system of records, consistent with its revision of registration regulations which will be effective on July 1, 1981. In particular, three of these systems of records—CFTC 12, CFTC 20, and CFTC 22—will be altered to include completed fingerprint cards and where appropriate, new forms 8–S and 8–T. The Commission further contemplates the combination of existing systems CFTC–20 into one system of records at that time. See 45 FR 80573–80575 (December 5, 1980). Furthermore, an additional routine use, concerning vertification of information submitted for sponsorship purposes has been proposed by the Commission in connection with implementation of final rules relating to registration of associated persons and their sponsorship by futures commission merchants. 45 FR 80539, 80542 (December 5, 1980). 45 FR 80573–80575 (December 5, 1980).

For further information contact: Freedom of Information Act, Privacy Act and Government in the Sunshine Act compliance staff,[6] Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. (202) 254–3382.

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CFTC–1

SYSTEM NAME:

Matter Register and Matter Indices.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in this system, which is an index system to CFTC–14 Matter Files and CFTC–16 Case Files, include:

a. The matter register. A file number is assigned to each case and the record is filed according to that number. The register also indicates the date opened, the disposition and status, the date closed and the staff member assigned.

b. The matter register also includes reports recommending opening and closing of investigations.

* * * * *

RETRIEVABILITY:

Information in the register is retrievable by assigned investigation number.

* * * * *

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

* * * * *

CFTC–2

SYSTEM NAME:

Correspondence Files.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains incoming and outgoing correspondence and indices of correspondence, and certain internal reports and memoranda related to the correspondence.

This system does not include all Commission correspondence, but only those records which are part of a general correspondence file maintained by the office involved. It does include correspondence indexed by subject matter, by date, or by assigned number unless there is a corresponding index capability by individual name. It includes correspondence files maintained by the FOI, Privacy and Sunshine Acts compliance staff relating to requests by individuals under the Freedom of Information Act and the Privacy Act.

* * * * *

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382. The request should specify the system manager under

[6] Hereinafter referred to as the "FOI, Privacy and Sunshine Acts compliance staff."

whose jurisidiction the records are maintained, if known.

* * * * *

CFTC–3

SYSTEM NAME:

Docket Files.

SYSTEM LOCATION:

The records are maintained in the Hearings Section, 2000 L Street, N.W., Suite 620, Washington, D.C. 20581.

* * * * *

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission., 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

* * * * *

CFTC–4

SYSTEM NAME:

Employee Leave, Time and Attendance.

SYSTEM LOCATION:

These records are maintained at the Commission's principal office, 2033 K Street, N.W., Washington, D.C. 20581.

* * * * *

RETENTION AND DISPOSAL:

Records for all employees are maintained for three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Budget and Accounting Officer, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

* * * * *

CFTC–5

SYSTEM NAME:

Employee Personnel Records.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM.

The records maintained in the principal office for all employees include: a. Forms required and records maintained under the Commission's rules of conduct and the Ethics in Government Act; b. Pre-employment inquiries not included with "exempted employee background investigation materials"; c. Various summary materials received in computer printout form; d. Card indices reflecting various information contained in other personnel records.

The official personnel records maintained by the Commission are described in the system notices published by the Office of Personnel Management, and are not included within this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 5 U.S.C. App. (Executive Personnel Financial Disclosure Requirements).

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer of the Commission is the system manager for all records maintained in the Commission's principal office, except for those records maintained under the Commission's rules of conduct and the Ethics in Government Act which are kept in the Office of the General Counsel as to which the General Counsel is the system manager. Addresses of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–6

SYSTEM NAME:

Employee Travel Records.

SYSTEM LOCATION:

These records are maintained at the Commission's principal office, 2033 K Street, N.W. Washington, D.C. 20581.

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SYSTEM MANAGER(S) ADDRESS:

Budget and Accounting Officer, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC–7

SYSTEM NAME:

Employee Records maintained by the office of ADP Services—CFTC 6

SYSTEM LOCATION:

These records are maintained at the Commission's principal office, 2033 K Street, N.W., Washington, D.C. 20581.

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CATEGORIES OF RECORDS IN THE SYSTEM:

The Operations and Budget Section provides data processing capability for various personnel, payroll and accounting related matters. The records in this system include:

a. General records relating to the employee including information from the notification of personnel action [SF–50] and other related sources. The information includes the name, social security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, retirement coverage, type of employment, date service commenced and ended, grade and step, base salary, duty station, various computation dates, leave codes and status, employing office and other miscellaneous information.

b. Various payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, mailing addresses and home addresses. This includes copies of the CFTC time and attendance reports as well as authorizations relating to deductions.

c. Travel vouchers and related material.

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NOTIFICATIONS PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

CFTC–8

SYSTEM NAME:

Employment Applications.

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RETRIEVABILITY:

Indexed by interest.

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

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CFTC–12

SYSTEM NAME:

Fitness Investigations.

SYSTEM LOCATION:

These records are located in the Division of Trading and Markets in the Commission's principal offices at 2033 K Street, NW, Washington, D.C. 20581. Limited records are located in the Chicago regional office, 233 South Wacker Drive, 46th floor, Chicago, Illinois 60606.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains various information pertaining to the fitness of the above-described persons to engage in business subject to the Commission's jurisdiction. The file includes copies of the application for registration, biographical supplements and schedules. It also includes correspondence, reports and memoranda reflecting information developed from various sources outside the agency. In addition, the system contains records of any CFTC investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4n(6) and 8a(2)(B) of the Commodity Exchange Act, 7 U.S.C. 6n(6) and 12a(2)(B).

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SAFEGUARDS:

Records are maintained in locked cabinets.

RETENTION AND DISPOSAL:

The records are maintained on the premises for three years, then held in the Federal Records Center for seven years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Director for Registration, Division of Trading and Markets, in the Commission's principal office and the Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained, his employer, federal, state, and local regulatory and law enforcement agencies, commodity and securities exchanges, National Association of Securities Dealers, and other miscellaneous sources.

CFTC–13

SYSTEM NAME:

Interpretation Files—CFTC

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

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CFTC–14

SYSTEM NAME:

Matter Files.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

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CFTC–15

SYSTEM NAME:

Large Trader Report Files.

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NOTIFICATION PROCEDURE

Individual seeking to determine whether this system of records contains information about themselves should address their inquiries to the POI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Future Trading Commission, 2033 K Street, NW., Washington D.C. 20581. Telephone: (202) 254–3382. The individual should include the code number assigned to him by the Commission for filing such reports, the name of the futures commission merchant through whom he trades, and the time period for which information is sought.

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CFTC–16

SYSTEM NAME:

Case Files

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NOTIFICATION PROCEDURE

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FO1, Privacy and Sunshine Acts compliance staff, Office of the Secretarial, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC-17

SYSTEM NAME:

Litigation Files–OGL.

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RETRIEVABILITY:

Cases are classified alphabetically by caption of the case.

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RETENTION AND DISPOSAL:

The records are maintained in the active files until the action is completed, including final review at the appellate level. Thereafter, the records are transferred to the inactive case files, where a skeletal record of pleadings, briefs, findings and opinions and other particularly relevant papers may be maintained indefinitely. Other materials are generally destroyed except insofar as a copy of some of the documents may be kept in precedent files for use in later legal research or preparation of filings in other matters.

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC-18

SYSTEM NAME:

Logbook on Speculative Limit Violations.

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC-19

SYSTEM NAME:

Petition and Rulings.

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SYSTEM LOCATION:

These records are maintained in the Hearings Section in the Commission's principal office located at 2000 L Street, N.W., Washinton, D.C. 20581.

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–3382.

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CFTC-20

SYSTEM NAME:

Registation of Futures Commission Merchants, Commodity Trading Advisors and Commodity Pool Operators.

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CATEGORIES OF RECORDS IN THE SYSTEM

Contains various information pertaining to the fitness and registration of futures commission merchants, commodity trading advisorys and commodity pool operators. The Chicago office maintains the applications for registration (Form 7–R and related schedules) and biographical supplements, as well as correspondence relating to registration. A computer system is also maintained by the Chicago office. A computerized record is maintained for each individual engaged as an offcier, partner, sole proprietor, branch office manager, agent, or more than 10 percent stockholder of a futures commission merchant, commodity trading advisor or commodity pool operator who is listed in the application as such. The computer memory consisits of the name, firm affiliation, title, date and place of birth (optional), social security number (optional), fitness and business address of each individual engaged as a partner, sole proprietor, officer, director or person performing similar functions for a futures commission merchant, commodity trading advisor or commodity pool operator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4n(1), 8a(1) and 8a(2) of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6n(1), 12a(1) and 12a(2).

PRETENTION AND DISPOSAL:

Applications for registeration (Form 7–R), biographical supplements, and related documents and correspondence are maintained on the premises for three years, then held in the Federal Records Center for seven years before being destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains affiliated with a registrant. Computer printouts are maintained on the premises for six months and then destroyed. Microfiche records are maintained permanently on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone (202) 254–3382.

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RECORD SOURCE CATEGORIES:

The application or biographical supplement is submitted by the applicant. The computerized record is prepared from that application, from information developed during the fitness inquiry and from any correspondence between the Commission, the principal, commodity and securities exchanges, other government agencies and other persons with relevant information concerning the individual's fitness.

CFTC-22

SYSTEM NAME: REGISTRATION OF ASSOCIATED PERSONS AND FLOOR BROKERS:

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CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information pertaining to the fitness of the above-described individuals to engage in business subject to the Commission's jurisdiction. The system includes applications for registration and biographical supplements [Form 8–R and related schedules]. The system also includes correspondence relating to registration and reports reflecting information developed from various sources outside the agency. A computerized system, consisting primarily of information taken from the Form 8–R, is maintained by the Chicago office. The computer memory includes the name, date and place of birth (optional), social security number (optional), fitness, membership (floor brokers only), firm affiliation,

business address and residence of the above-described individuals. In addition to the above, the computer memory includes education and experience for each registered associated person. Monthly microfiche records list the name, business address, and membership affiliation of all registered floor brokers and the name and firm affiliation of all individuals engaged as associated persons. These microfiche records, as well as non-confidential portions of the application for registration, are considered public records and are available to any person for inspection and copying. In addition, certain auxiliary records, such as card indexes, are maintained, summarizing information contained in the system regarding each of the above-described individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(2), 4n(1), 8a(1) and 8(a)(2) of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6k(2), 6n(1), 12a(1) and 12a(2).

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RETRIEVABILITY:

By the name of the individual. The computer cross-indexes the record to the name of the futures commission merchant, commodity trading advisor or commodity pool operator with whom the individual is associated or affiliated.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

Applications for registration and related documents and correspondence are maintained on the premises for three years after the individual's registration, or that of the firm with which the individual is affiliated as a principal, becomes inactive. Records are then held in the Federal Records Center for seven years and thereafter destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains registered or affiliated with a registrant. Printouts are maintained on the premises for six months and then destroyed. Microfiche records are permanently maintained on the premises.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-3382.

* * * * *

RECORD SOURCE CATEGORIES:

The individual on whom the file is maintained, his employer, commodity and securities exchanges, other government agencies and other persons with relevant knowledge about the individual. Correspondence may be prepared by the Commission or the individual. The computer record is prepared from the application or biographical supplement and from information developed during the fitness inquiry.

CFTC-25

SYSTEM NAME: STIPULATION OF COMPLIANCE FILE:

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC. 20581. Telephone: (202) 254-3382.

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CFTC-28

SYSTEM NAME: EXCHANGE DISCIPLINARY ACTION FILE:

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NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC. 20581. Telephone: (202) 254-3382.

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CFTC-29

SYSTEM NAME:

Reparation Complaints.

SYSTEM LOCATION:

These records are located in the Complaints Section, Office of the Executive Director, in the Commission's principal office, at 2000 L Street, NW., Washington, D.C. 20581.

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CATEGORIES OF RECORDS IN THE SYSTEM:

These files consist of reparation complaints, answers and correspondence filed with the Complaints Section.

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RETRIEVABILITY:

Complaints Section files are maintained by number and are cross-indexed by the name of the complainant and respondent.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

At the present time records are maintained for an indefinite time period. After a case is forwarded to the Hearings Section, however, the records are included in the Commission's docket files.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Complaints Section, Office of the Executive Director, Commodity Futures Trading Commission, 2000 L Street, NW., Washington, D.C. 20581.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address their inquiries to the FOI, Privacy and Sunshine Acts compliance staff, Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC. 20581. Telephone: (202) 254-3382.

* * * * *

Issued by the Commission in Washington, D.C., on February 4, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-4865 Filed 2-11-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 1:30 p.m. to 5:00 p.m., 8 March 1981 at the Hotel Washington and from 9:30 a.m. to approximately 1:00 p.m., 9 March 1981 in Room 1E801, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to review responses to recommendation/requests for information made at the 1980 Fall Meeting, discuss current issues relevant to women in the Services, and plan the itinerary/program for the next Semiannual Meeting scheduled for 26-30 April 1981 in Washington, DC.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Captain Mary J. Mayer, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs, and Logistics), Room 3D322, The Pentagon, Washington, DC. 20301, telephone 202-697-5655 no later than 1 March 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 9, 1981.

[FR Doc. 81-4946 Filed 2-11-81; 8:45 am]

BILLING CODE 3810-70-M

DELAWARE RIVER BASIN COMMISSION

Comprehensive Plan Pursuant to Article 11 of the Compact; Project Approvals; Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 18, 1981, commencing at 2 p.m. The hearing will be a part of the Commission's regular February business meeting which is open to the public. Both the hearing and the meeting will be held in the Hall of Flags, Sheraton Hotel, 17th Street and Kennedy Boulevard, Philadelphia, Pennsylvania. The subject of the hearing will be application for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Cheyney State College (D-78-43 CP).* Expansion and upgrading of the existing sewage treatment plant at Cheyney State College, Thornbury Township, Delaware County, Pa. Treatment facilities will provide for removal of 95% BOD and suspended solids from a wastewater flow of approximately 270,000 gallons per day. Treated effluent will discharge to Chester Creek.

2. *Borough of West Chester (D-79-84 CP).* A new sewage treatment plant to serve the Borough of West Chester, Chester County, Pa. The new facility, which will replace an existing treatment plant, will provide 97% removal of BOD from wastewater flow of about 1.5 million gallons per day. Treated effluent will discharge to Taylor Run, a tributary of the East Branch Brandywine Creek.

3. *Pennsylvania Department of Environmental Resources (D-80-6 CP).* A sewage collection and treatment facility to serve the French Creek State Park in Union Township, Berks County and Warwick Township, Chester County, Pa. The sewage treatment facility will provide removal of 85% of BOD with ultimate disposal by spray irrigation.

4. *U.S. Department of Justice, Bureau of Prisons (D-80-29 CP).* Expansion of the existing sewage treatment facilities serving the Otisville Federal Correctional Institution, Orange County, N.Y. The expanded sewage treatment plant will provide for removal of 90% of BOD from a sewage flow of 100,000 gallons per day. Treated effluent discharges to an unnamed tributary of Basher Kill.

5. *Douglas Zee (D-80-33).* A farm well at the subject farm in Harrison Township, Gloucester County, N.J. The facility is expected to provide 860,000 gallons per day that will be used for supplemental irrigation of 440 acres of fruit crops.

6. *Philadelphia Electric Company (D-80-52).* Expansion of existing waste treatment facilities at the Company's Eddystone plant, Delaware County, Pa. The capacity of the treatment facility will be expanded to accommodate increased wastewater flow of about 3 million gallons per day. Treated effluent will discharge to the Delaware River.

7. *Joseph Mizsur (D-80-68).* A pier and docking facility in Fieldsboro, Burlington County, N.J. The applicant proposes to construct a 100' pier paralleling the shore line and extending 83' into the Delaware River. The pier will be used to accommodate passenger vessels visiting the proposed Historic Whitehall Village.

8. *Philadelphia Electric Company (D-80-70).* A treatment facility at the Cromby Generating Station in the Township of East Pikeland, Chester County, Pa. The applicant proposes to collect and treat about 67,000 gallons per day of coal pile runoff water. Effluent will discharge into the Schuylkill River.

9. *Mc Conway and Torley Corporation (D-80-83).* A well water supply project to provide non-contact cooling and quenching water at the company's new steel foundry in the Borough of Kutztown, Berks County, Pa. Two wells will be utilized to produce an average supply of 360,000 gallons per day.

10. *Ronning Enterprises (D-80-90).* A sewage treatment plant to serve the proposed Care Free Village residential development in North Whitehall Township, Lehigh County, Pa. The treatment plant is designed to remove 90% of BOD and suspended solids from an average sewage flow of 65,000 gallons per day. Treated effluent will discharge to the Lehigh River.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

February 4, 1981.

[FR Doc. 81-4730 Filed 2-11-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Draft National Site Characterization and Selection Plan; Availability

AGENCY: Department of Energy.

ACTION: Notice of Availability.

SUMMARY: The National Site Characterization and Selection Plan for siting high-level waste repositories is one element of the Department of Energy's National Waste Terminal Storage (NWTS) Program. The NWTS Program is being conducted to develop the necessary technology and to qualify suitable sites to establish mined

geologic repositories for disposal of high-level radioactive wastes. The National Site Characterization and Selection Plan describes existing and planned activities for screening successively smaller portions of land within the United States to identify suitable candidate sites and for subsequently selecting one or more of these sites for submission of a license application to the Nuclear Regulatory Commission for permanent disposal of high-level waste in a mined repository. This draft Plan is now available for public review and comment.

An Environmental Assessment (EA) has been prepared as input to the decision to adopt or modify the National Site Characterization and Selection Plan. Environmental effects of the anticipated range of field studies to characterize various land areas and of reasonable alternative siting strategies are assessed. The EA will provide the basis for a finding of whether or not adoption and implementation of this Plan will result in significant environmental impacts and therefore require preparation of an Environmental Impact Statement. The EA is being included as an attachment to the draft Plan.

The Department will consider timely comments received on the Plan and the impacts on the environment prior to a decision to adopt or modify it for the NWTS Program. It is expected that the Plan will continue to evolve, as details of the siting process are further developed. Consequently, the Department anticipates that the Plan will be revised as necessary to reflect the results of the ongoing program.

AVAILABILITY: Copies are available from the Office of Nuclear Waste Isolation Library, 505 King Avenue, Columbus, Ohio 43201. Telephone (614) 424–7697.

DATES: Written comments on the draft Plan are due on or before March 27, 1981.

ADDRESS: Comments should be sent to: Dr. Colin A. Heath, Director, Office of Waste Isolation, NE–330, MS B–107 (Gtn), U.S. Department of Energy, Washington, D.C. 20545. Telephone: (301) 353–4068.

For the United States Department of Energy.

Dated: February 2, 1981.

John W. Crawford, Jr.,

Acting Assistant Secretary for Nuclear Energy.

[FR Doc. 81-5011 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA–FC–81–002; OFC Case No. 55364–9196–01–12]

Gulf Oil Corp.; Acceptance of Petition for Exemption

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Acceptance of Petition for Exemption Pursuant to the Final Rule Implementing the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On December 24, 1980, Gulf Oil Corporation (Gulf) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting a major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibit the use of petroleum and natural gas as a primary energy source in new MFBI's. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 45 FR 38302 (June 6, 1980).

The MFBI for which the petition is filed is a new field-erected boiler (identified as Boiler No. 301–B–101), to be installed at the Alliance Refinery, Plaquemines Parish, Louisiana. The boiler has a design heat input rate of 566 million BTU's per hour with a steam generating capacity of 400,000 pounds per hour. The primary energy source proposed for the new boiler is on-site produced refinery fuel oil consisting of vacuum tower bottoms or mixtures of this material with other non-saleable oils. Gulf has requested a permanent exemption under 10 CFR 503.32 based upon a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum as a primary energy source in the unit.

FUA Section 202(a) imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source in new MFBI's which consist of a boiler. ERA's decision in this matter will determine whether Gulf will be granted a permanent exemption from these prohibitions for Boiler No. 301–B–101.

ERA has determined that the petition for a permanent exemption is complete in accordance with 10 CFR 501.3(d). A summary of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR §§ 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before March 30, 1981. A request for public hearing must also be made within this same 45 day period (from publication of this notice).

ADDRESSES: Fifteen copies of written comments or a request for a public hearing be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461. Docket Number ERA–FC–81–002, should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room B–110, Washington, D.C. 20461, Phone: (202) 653–4055;

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone: (202) 653–4226;

Douglas F. Mitchell, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6B–178, Washington, D.C. 20585, Phone: (202) 252–2967;

Terri L. Hamrick, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, Phone: (202) 653–4478.

SUPPLEMENTARY INFORMATION: ERA published in the **Federal Register** a final rule implementing the provisions of Title II of FUA on June 6, 1980 (45 FR 38276). Criteria for petitions for exemptions from FUA's prohibitions also were published on that date (45 FR 38302). A final rule implementing the methodology for calculating the cost using alternative fuels under FUA was published on December 24, 1980 and became effective January 23, 1981 (45 FR 84967). The Act prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA.

The new MFBI for which the permanent cost exemption is requested is a field-erected boiler having a design heat input rate of 566 million Btu's per hour and a steam generating capacity of 400,000 pounds per hour. The proposed primary energy source for the new boiler is an on-site produced refinery fuel oil consisting of vacuum tower bottoms or mixtures of this material with other non-saleable oils. Such fuels are considered petroleum products under the definition

of "petroleum" contained in 10 CFR Part 500.

The petition is based on 50 percent utilization of the new unit's design capacity during normal operation, the remaining surplus boiler capacity to be used in the case of scheduled or unanticipated outages of existing boiler capacity.

In addressing the eligibility and evidentiary requirements for this exemption, which are contained in 10 CFR 503.32, Gulf states that it has investigated the cost of using the following alternate and mixtures of alternate fuels:

Three types of bituminous coal with differing qualities and prices,

Refinery petroleum coke,

Merchant petroleum coke.

Mixtures

75% washed Sewanee coal and 25% refinery fuel oil.

75% merchant petroleum coke and 25% refinery fuel oil.

Gulf also examined the possibilities of using medium-Btu gas from coal gasification, solar energy and refuse derived fuel at this site.

In accordance with 10 CFR 503, Gulf addressed the remaining general requirements for this exemption by including in its petition information pertaining to present and future conservation measures taken at the site, petroleum and natural gas consumption at the site, and an environmental impact analysis of each scenerio proposed in the detailed cost test calculations.

ERA hereby gives notice that it accepts Gulf's petition for a permanent exemption as adequate for filing. ERA retains the right to request additional information from Gulf at any time during the pendency of these proceedings where necessitated by circumstances or procedural requirements. As set forth in 10 CFR 501.3(d), the acceptance of the petition by ERA does not constitute a determination that Gulf is entitled to the exemption requested.

The public file, containing documents on these proceedings and supporting materials, is available for inspection upon request at: ERA, Room B-110, 2000 M Street, NW, Washington, D.C., Monday-Friday, 8:00 am-4:30 pm.

Issued in Washington, D.C. on February 6, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-4999 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

OKC Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: February 5, 1981.

FOR FURTHER INFORMATION CONTACT: James J. Fenton, Program Manager, Small Refiners, Room 5108, 2000 M Street, NW., Washington, D.C. 20461, 202-653-3548.

SUPPLEMENTARY INFORMATION: On July 31, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with OKC Corporation, (OKC) of Dallas, Texas on July 17, 1980, 45 FR 50865 (1980). Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by OKC pursuant to the Consent Order were requested to submit notice of their claims to ERA.

Two comments were received. The comments raised objections to the Office of Enforcement's agreement to petition the Office of Hearings and Appeals (OHA) to implement the special refund procedures (Petition) at 10 CFR Part 205, Subpart V. One commentor asserted that DOE lacks authority to determine whether refunds should be paid to persons other than direct purchasers. In the Preamble to the Subpart V regulations, OHA stated that determination of the identity of persons entitled to refunds and the amount of such refunds would be decided in the context of specific Subpart V proceedings. 44 FR 8562, 8566 (1979). The Office of Enforcement agreed to petition to implement these procedures, and has so petitioned, because it does not have the information to readily ascertain the persons injured by OKC's alleged violations or the amounts by which such persons have been injured. See 10 CFR 205.280, 205.281.

The commentors also questioned a provision permitting DOE to distribute the refunds "in the general public interest by an appropriate means, such as payment to the Treasury of the United States, pursuant to 10 CFR 205.199," if "the Petition shall be denied by OHA, and if it appears that the adverse effects of any violations have become so diffused that it may be a practical impossibility to identify specific adversely affected persons." Consent Order, Par. III. 8. The remedy of direct refund to the Treasury is provided in the DOE regulations at 10 CFR 205.199I, and this remedy has been upheld as an appropriate means to effectuate restitution for violation of the regulations promulgated pursuant to the Emergency Petroleum Allocation Act of 1973 as amended, 15 U.S.C. 751 et. seq. *Citronelle-Mobile Gathering, Inc., et al.*, v. *John F. O'Leary, et al.*, 499 F. Supp. 871 (S.D. Ala. 1980).

In addition, one commentor criticized a provision in the Consent Order that the Petition will include a statement that the Office of Enforcement and OKC recommend that the OHA adopt a requirement, that to be eligible to receive a refund, a claimant must waive and release all other claims against OKC concerning DOE petroleum price statutes and regulations during the settlement period stated in the Consent Order. Of course, this statement constitutes only a recommendation to OHA and does not bind the OHA to adopt such a requirement. Moreover, the recommendation proposes criteria for the receipt of refunds collected and distributed by DOE pursuant to DOE's authority to enforce petroleum price and allocation regulations. The recommendation would have no effect upon a person who pursues a private right of action against OKC for alleged violations during the settlement period pursuant to section 210 of the Economic Stabilization Act, 12 U.S.C. 1904 note (1976) (ESA), but who does not receive a refund as a participant in the special refund proceeding.

The commentors also critized another provision in the Consent Order which states that the Petition will contain a recommendation of the Office of Enforcement and OKC, "That no funds be disbursed for a period of two years from the Effective (sic) date of this Consent Order." Again, this is a mere recommendation which is not binding upon the OHA. Furthermore, the Preamble to the Final Rule of Subpart V discussed the possibility of delaying payment of all refunds for a period during which court actions based on the violation can be initiated. An accommodation could thus be made so that injured persons would not receive double compensation as a result of an administrative refund and a court judgment for the same violation. The Consent Order provision does not

prevent a person from commencing an action and recovering damages under Section 210 of the ESA; it merely recommends a procedure to be followed in the administrative refund proceedings.

One commentor also believed that its right to bring a private right of action against OKC pursuant to Section 210 of the ESA was impaired by a provision in the Consent Order. This provision states that OKC's performance under the Consent Order constitutes full compliance with applicable petroleum pricing statutes and regulations, except entitlements transactions, during the settlement period. The commentor, however, omitted the remainder of the paragraph in which DOE agrees not to institute future compliance actions against OKC for petroleum price violations, other than entitlements violations, committed during the settlement period. The paragraph is concerned solely with potential DOE enforcement activity and makes no reference to private actions.

After review of the above-described comments, the Office of Enforcement has determined that the Consent Order should be issued as signed.

Pursuant to the Consent Order, OKC refunded the sum of $4,750,000 by certified check made payable to the United States Department of Energy on July 17, 1980. This amount received by DOE has been placed into an interest-bearing account pending determination of its proper distribution.

The following persons submitted timely notices of claim to the ERA:

B&B Trading Co.
Beavers Oil Company
Best-Way Marketing Co.
Coppedge Oil Company
D&S Oil Co.
Defense Logistics Agency
Farmland Industries, Inc.
Fisca Oil Company
Getty Refining and Marketing Co.
Highway Oil, Inc.
Hudson Refining Co.
J. R. Adams
Jones Oil Co.
Marcum Oil Co.
Metro Energy
Mid-Region Petroleum
Petroleum Marketing Co.
Quality Oil
Ritco Co.
Suter & Chaffin Oil Company
The Southland Corp.
Town & Country Markets, Inc.
Williams Chemical Co.
Zarda Bros. Dairy, Inc.

Action Taken

The ERA is unable readily to identify the persons entitled to receive the $4,750,000 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on February 5, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington on the sixth day of February, 1981.

Robert Gerring,

Director, Program Operations Division.

[FR Doc. 81-5001 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

Peoples Energy Corp.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas, Missouri 64106.

SUPPLEMENTARY INFORMATION: On December 23, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between Peoples Energy Corporation ("Peoples") and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Peoples Energy Corporation is an appropriate resolution of the compliance proceedings described in the Notice published on December 23, 1980, and hereby gives Notice that the Consent Order is made effective by written notice to Peoples Energy Corporation on January 23, 1981.

Issued in Kansas City, Missouri on this 27th day of January, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81-5002 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-15-NG]

Natural Gas Pipeline Co. of America; Michigan Wisconsin Pipe Line Co.; Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Texas Eastern Transmission Corp.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of petition for temporary authorizations.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice of receipt on January 23, 1981, of a petition of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and Texas Eastern Transmission Corporation (Tetco) for temporary authorizations to import natural gas from Canada. Tennessee and Tetco sumbit that emergencies exist on their pipeline systems, in part due to the prolonged cold spell in Northeastern areas of the United States served by them. The petition is filed with ERA pursuant to Section 3 of the Natural Gas Act and the Secretary of Energy's Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed on or before February 19, 1981.

FOR FURTHER INFORMATION CONTACT:

Leonard B. Levine (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, NW.,

Room 7108, RG–55, Washington, D.C. 20461 (202) 653–3286

James K. White (Acting Assistant General Counsel for Natural Gas and Mineral Leasing), Department of Energy, 1000 Independence Ave., SW., Room 5E–074, GC–15, Washington, D.C. 20585 (202) 252–2900

SUPPLEMENTARY INFORMATION: On June 4, 1979, Tennessee, Tetco, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), and Natural Gas Pipeline Company of America (Natural) filed a joint application with the ERA requesting authorization to import a combined total of 300,000 Mcf of natural gas per day from Canada beginning November 1, 1980. That application was assigned ERA Docket No. 79–15–NG and was noticed on July 19, 1979 (44 FR 42307).

On January 12, 1981, the applicants (jointly called the ProGas purchasers) filed a supplement to the June 4, 1979, application. The supplement is being noticed in the **Federal Register.** According to the supplement, the ProGas purchasers and the exporter, ProGas Ltd. (ProGas), have agreed to reduce the total maximum volume of gas to be imported between the date of first delivery and November 1, 1982, from 300,000 Mcf per day to 150,000 Mcf per day, and substantially reduce the "take-or-pay" volumes under the contracts. In addition, the ProGas purchasers, with ProGas consenting, have agreed that Natural and Michigan Wisconsin will assign their rights and obligations to purchase gas through November 1, 1982, to Tennessee and Tetco.

On January 23, 1981, Tennessee and Tetco filed a petition for a temporary authorization to permit the importation of the 150,000 Mcf per day pending issuance of permanent authorization for the complete ProGas import. Tennessee and Tetco cite the impact of the unusually cold weather in the Northeast areas of the United States on their pipeline systems. They state that as a result, both "have been operating their pipeline systems at capacity levels, causing them to make much heavier withdrawals from their storage fields resulting in lower storage gas inventories than that planned for at this point in the winter heating season." They believe that the 75,000 Mcf per day that would be immediately available to each from ProGas would help to minimize further withdrawals of storage gas and help to protect their systems against serious curtailments should the cold weather continue.

Persons who have already petitioned for intervention in ERA Docket No. 79–15–NG need not file new petitions, but may submit additional comments as appropriate. Because of the need for an expeditious decision, we have limited the notice period to 7 days.

Other Information:

ERA again invites protests or petitions for intervention in the proceeding. Such protests or petitions are to be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG/55, 2000 M Street, NW., Washington, D.C. 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8 and 1.10). Such protests or petitions for intervention will be accepted for consideration if filed no later than 4:30 p.m., on February 19, 1981.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened herein must file a petition to intervene. Any person desiring to make any protest with reference to the petition and application should file a protest with the ERA in the same manner as indicated above for petitions to intervene. All protests filed with ERA will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

A hearing will not be held unless a motion for a hearing is made by any party or persons seeking intervention and is granted by ERA, or if the ERA on its own motion believes that a hearing is required. If a hearing is required, due notice will be given.

A copy of the petition is available for public inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on February 10, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-5150 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3840-000]

Burnt River Irrigation District; Application for Preliminary Permit

February 6, 1981.

Take notice that Burnt River Irrigation District (Applicant) filed on December 8, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3840 to be known as the Unity Hydroelectric Project located on the Burnt River in Baker County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald A. Sullivan, Chairman, Board of Directors, Burnt River Irrigation District, 1950 Third Street, Baker, Oregon 97814. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a penstock through the outlet tunnel of the Water and Power Resources Service's Unity Dam; (2) a powerhouse containing a generating unit with a rated capacity of 500 kW; and (3) a short transmission line. The Applicant estimates that the average annual energy output would be 1,500 to 2,000 MWh.

Purpose of Project—Power would be sold to the Idaho Power Company or other power purchaser.

Proposed Scope and Cost of Studies Under Permit—Applicant proposes to conduct a feasibility study which would include hydrologic studies, a review of the civil and mechanical features at the dam, an identification of possible environmental and social impacts, a power marketing analysis, and an economic and financial analysis.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application

must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments, filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3840. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4928 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3743-000 and 3827-000]

Cascade Waterpower Development Corp. and North Unit Irrigation District; Application for Preliminary Permit

February 6, 1981.

Take notice that Cascade Waterpower Development Corporation and North Unit Irrigation District (Applicants) filed on November 17, 1980, and December 5, 1980, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 3743 and 3827 to be known as the Haystack Project located on Haystack Creek in Jefferson County, Oregon. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. David Holzman, P.O. Box 246, June Lake, California 93529 and Mr. Robert Wagner, Secretary-Manager, Route 2, Box 1224, Madras, Oregon 97741. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The project proposed by Cascade Waterpower Development Corporation (Cascade) would consist of: (1) a penstock located within the existing outlet works for the Water and Power Resources Service's Haystack Dam; (2) a powerhouse containing a single generating unit with a maximum rated capacity of 900 kW; and (3) a 2.5-mile long transmission line. Cascade estimates that the average annual energy output would be a maximum of 3,900 MWh.

The project proposed by North Unit Irrigation District (NUID) would consist of: (1) an intake structure located at a check gate on a canal at the left abutment of Haystack Dam; (2) a penstock from the intake structure to; (3) a powerhouse at the toe of the dam containing a single generating unit with a rated capacity of 2,500 kW; and (4) a short transmission line. NUID estimates that the averge annual energy output would be 9,000 MWh.

Purpose of Project—Project energy would be sold to the Bonneville Power Administration, Pacific Power and Light Company or other power purchasers.

Proposed Scope and Cost of Studies Under Permit—Applicants propose to study the environmental, hydraulic, power generation, construction and economic aspets of the project to determine the feasibility of the proposed developments and to develop the data necessary to prepare an application for license. Cascade and NUID estimate that the cost of conducting its studies and preparing a license application would be $36,000 and $80,000 respectively.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 20, 1981, either the application itself or a notice of intent of file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permits for Projects Nos. 3743 and 3827. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4929 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-150-000]

Cities Service Gas Co.; Application

February 5, 1981.

Take notice that on January 19, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-150-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon gas service to the Grainville Gas Cooperative in Kay County, Oklahoma, and for a certificate of public convenience and necessity authorizing Applicant to continue the sale of natural gas to Mr. Everett Brazelton, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been supplying natural gas to the Grainville Gas Cooperative for resale in the community of Grainville, Kay County, Oklahoma.

Applicant states that the cooperative has been liquidated and the pipeline removed. As of October 1, 1980, one customer, Mr. Everett Brazelton, remained on whose property the tap which served the cooperative was located, it is asserted.

Applicant proposes herein to abandon service to the Grainville Gas Cooperative. Applicant further requests authorization to provide direct natural gas service to Mr. Brazelton through an existing tap.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to entervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4922 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-153-000]

Columbia Gas Transmission Corp.; Application

February 5, 1981.

Take notice that on January 21, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-153-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 91 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.: 7 taps for residential service, 1 tap for commercial service—Estimated annual usage of 1,640 Mcf.

(2) Columbia Gas of Ohio, Inc.: 56 taps for residential service, 1 tap for industrial service, 1 tap for combined residential and commercial service—Estimated annual usage of 10,752 Mcf.

(3) Columbia Gas of Pennsylvania, Inc.: 4 taps for residential service—Estimated annual usage of 600 Mcf.

(4) Columbia Gas of Virginia, Inc.: 1 tap for residential service—Estimated annual usage of 150 Mcf.

(5) Columbia Gas of West Virginia, Inc.: 18 taps for residential service, 1 tap for commercial service—Estimated annual usage of 4,599 Mcf.

(6) The Dayton Power and Light Company: 1 tap for residential service—Estimated annual usage of 150 Mcf.

Applicant estimates the total cost of the proposed interconnections to be $27,403 which would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulation under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it

in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4925 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3826]

Continental Hydro Corp.; Application for Preliminary Permit

February 6, 1981.

Take notice that Continental Hydro Corporation (Applicant) filed on December 4, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3826 to be known as the Little Wood River Project located on Little Wood River in Blaine County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston MA 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) An 800-foot long penstock running from the headworks structure of the Water and Power Resources Service's Little Wood River Dam through the existing outlet conduit; (2) a powerhouse containing 1 or 2 generating units with total maximum rating of 2.1 MW; and (3) a short transmission line.

The Applicant estimates that the average annual energy output would be 7.3 GWH.

Purpose of Project—The power generated by the project would be sold to Idaho Power Company or other power purchaser.

Proposed Scope and Cost of Studies Under Permit—The Applicant would conduct a detailed feasibility study. This study would include data acquisition and analysis, technical studies, potential energy production and capacity evaluation, project layout and design, construction options and financial and economic examinations. There would also be investigations of environmental, recreational and historic aspects. The cost of this study has been estimated to be $48,000 by the Applicant.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevent to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3826. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First St., NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4927 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-146-000]

El Paso Natural Gas Co.; Application

February 5, 1981.

Take notice that on January 16, 1981, El Paso Natural Gas Company

(Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP81–146–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, modification and operation of certain pipeline, compression and metering facilities with appurtenances, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that since 1972 the deliverability from Applicant's natural gas reserves has been less than that required to serve all of its customers' requirements. It is stated that Applicant has instituted a supply acquisition program which has explored and developed leasehold properities in the Anadarko Basin area of Texas and Oklahoma which has permitted the introduction of additional gas supplies into Applicant's interstate pipeline system. It is stated that the development effort is expected to continue and that this effort coupled with the drilling of additional wells by others, the frac treatment of existing wells which is underway in the area and the existing excess supply situation in Oklahoma lead Applicant to forecast that significant additional supplies would be made available to Applicant in the Anadarko Basin area in the near future. In addition, it is stated that Applicant's gas acquisition efforts have lead it to enter various arrangements with individually, Mustang Fuel Corporation, Mustang Production Company, Oklahoma Gas and Producer's Company, Lear Petroleum Exploration, Inc., and Producer's Gas Company (PGC) which would further facilitate Applicant's ability to acquire additional gas supply in that portion of the Anadarko Basin area situated in Western Oklahoma and that portion of the Arkoma Basin area of east central Oklahoma.

Applicant asserts that the additional supply of natural gas would be transported to its interstate pipeline system by means of existing pipeline extending from Applicant's Panoma plant located in Gray County, Texas, to Applicant's Dumas compressor station located in Moore County, Texas (Panoma System). While the system has a present design capacity of approximately 340,000 Mcf per day, it is stated, Applicant's continued success in acquiring gas supplies could provide as much as 484,000 Mcf of natural gas per day during August 1981 and approximately 560,000 Mcf of natural gas per day during November 1981. Applicant maintains that to remain competitive in its gas acquisition activities it must have the outlet capacity on its pipeline facilities to receive and transport immediately new supplies for delivery to its interstate mainline system.

Applicant states that to provide an additional field transport capacity of 123,000 Mcf per day in the Panoma System, Applicant proposes to construct and operate: (1) Approximately 73 miles of 20-inch O.D. pipeline from a point of interconnection with PGC's facilities in Elk City, Oklahoma, to Applicant's existing Panoma No. 1 plant; (2) approximately 33.98 miles of 20-inch O.D. loop pipeline and approximately 0.47 mile of 26-inch O.D. loop pipeline between Applicant's existing Panoma No. 1 plant and its existing Dumas plant; and (3) an additional 3,580 horsepower gas turbine-driven contrifugal compressor unit at its Schafer plant in Carson County, Texas.

Applicant proposes herein to modify certain of its existing compressor facilities located at its existing Panoma No. 1, Schafer and Dumas stations, and with respect to measurement facilities: (1) To install one new check meter on the new 20-inch O.D. pipeline at the inlet of the Dumas station all within the existing Dumas plant yard, and (2) to install one flow recorder on PGC's metering facilities located at the point of interconnection. It is also stated that Applicant proposes pursuant to § 255(a) of the Commission's General Policy and Interpretations to rewheel three centrifugal compressor units located at the Schafer plant, install supervisory central and telemetry equipment at the Panoma No. 1 plant and at the Schafer plant, and to construct one plant cottage near the Panoma plant and two cottages near the Schafer plant in order to house the additional required operators.

Applicant estimates the cost of the proposed facilities to be $40,873,303 which would be financed through use of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless othewise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–4923 Filed 2–11–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP66–110–019]

Great Lakes Gas Transmission Co., Petition To Amend

February 5, 1981.

Take notice that on January 14, 1981, [1] Great Lakes Gas Transmission Company (Petitioner), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP66–110–019 a petition to amend the order issued June 20, 1967,[2] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale under a special operating arrangement of natural gas to Michigan Consolidated Gas Company (Michigan Consolidated) for a 12-month period, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it presently sells up to 59,578 Mcf of natural gas per day to Michigan Consolidated under a service agreement dated December 20, 1978.

[1] The application was initially tendered for filing on Januray 14, 1981; however, the fee required by § 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until January 15, 1981, thus, the filing was not completed until the later date.

[2] This proceeding was commenced before the FPC. By joint regualtion of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Petitioner further states that during the month of July 1980, Michigan Consolidated paid for but could not take a total of 21,127 Mcf less than the volumes specified in the minimum bill provisions of the service agreement.

It is asserted that Petitioner and Michigan Consolidated have entered into a special operating agreement dated December 30, 1980, which provides that from the first day of the month following the day on which all regulatory authorizations satisfactory to the parties have been received and within a period of 12 months from such date Michigan Consolidated would have the right to make up 21,127 Mcf of gas for which it paid but could not take during July 1980.

Petitioner asserts that the make-up volumes would be computed in accordance with the terms of a special operating agreement between the two companies dated January 12, 1981.

It is further stated that for all make-up volumes Michigan Consolidated would pay the applicable rate for volumes delivered under its currently effective service agreement with Petitioner less $4.46106 per Mcf which is the price of gas included in Petitioner's billings to Michigan Consolidated for the month of July 1980.

Petitioner states that it would not be required to import any additional volumes or construct facilities to provide make-up volumes to Michigan Consolidated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.0) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secreary.

[FR Doc. 81-4824 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3835-000]

Hi-Head Hydro, Inc., Application for Preliminary Permit

February 6, 1981.

Take notice that Hi-Head Hydro, Inc. (Applicant) filed on December 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3835 to be known as Coldwater Creek Project located on Coldwater Creek in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William Symons, Jr., 26 Thorndale Place, Moraga, California 94556. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that persons wishes to file.

Project Description—The proposed project would consist of : (1) A French drain diversion structure; (2) an off-stream storage tank; (3) an intake structure; (4) a 30,650-foot long, 10-inch diameter steel pipeline; (5) a powerhouse containing one generating unit rated at 350 kW; and (6) a 250-foot long transmission line. The Applicant estimates that the average annual energy output would be 2,500,000 kWh.

Purpose of Project—The energy output of the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, perform preliminary designs, consult with agencies, prepare an environmental report, make a feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the studies to be performed under the preliminary permit is estimated to be $26,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3835. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and

those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4930 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3741-000]

Joseph M. Keating; Application for Preliminary Permit

February 6, 1981.

Take notice that Joseph M. Keating (Applicant) filed on November 13, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3741 to be known as the Horsetail Project located on McGee Creek in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph M. Keating, 847 Pacific Street, Placerville, California 95667. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 40-foot long, 8 to 10-foot high, concrete gravity type diversion dam; (2) a buried 5,400-foot long, 33-inch diameter, penstock; (3) a powerhouse containing a 1,400 kW turbine generator set; and (4) a 3,400-foot transmission line. The Applicant estimates that the average annual energy output would be 3,800,000 kWh.

Purpose of Project—The power generated from the proposed project would probably be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a permit of 20 months. During this time it would conduct an historical review, a hydrologic study, and a field survey; contact and review with necessary Federal, State, and local agencies; determine environmental impacts; and prepare a feasibility report and preliminary designs. The Applicant estimates the cost of these studies to be $23,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3741. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4926 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-752]

Middle South Services, Inc.; Order

Issued: February 6, 1981.

Order Granting Appeal and Modifying Prior Letter Order, Re-Opening Docket, Granting Intervention, Rejecting Filing in Part, and Directing Refunds and New Filings

On December 12, 1980, Gulf States Utilities Company (Gulf States) filed an appeal pursuant to section 1.7(d) of the Commission's regulations from a letter order issued by the Director of the Office of Electric Power Regulation (OEPR) to Middle South Services, Inc. (MSS) accepting revised rates of MSS for filing and terminating the above-captioned docket.[1]

[1] Gulf States denominated its filing an appeal from staff action, or, in the alternative, an application for rehearing. We are treating the filing as an appeal from staff action pursuant to § 1.7(d) of our regulations. Only Commission actions are final and subject to applications for rehearing under § 1.34 of the Commission's regulations. See § 1.7(d) of the Commission's regulations.

MSS is the billing agent for several operating companies, including Louisiana Power and Light Company, Inc. (LPL). Gulf States purchases power from LPL under the terms of a three party interconnection agreement between LPL, Gulf States, and Central Louisiana Electric Company, dated September 12, 1951 and filed as FPC Rate Schedule No. 82.

On August 11, 1980, MSS filed a letter with the Commission, which was revised on September 2, 1980, setting forth a statement of principles by which billing procedures would be adjusted to conform with the requirements of Order No. 84, Docket No. RM79–29, issued May 7, 1980. The billing procedures contain a method for computing the price for the delivery of energy to interchange service customers of the operating companies. Notice of the MSS filing was issued on September 17, 1980, with petitions to intervene required to be filed by October 8, 1980. No protests or petitions were filed by that date. On November 12, 1980, the Director of OEPR issued a letter order accepting MSS' filing of September 2, 1980, and terminating the docket. On November 13, 1980, Gulf States filed an untimely petition to intervene.

Gulf States' Position

In its appeal, Gulf States requests that the letter issued on November 12, 1980, accepting the MSS filing be vacated, that the docket be re-opened, that Gulf States be granted intervention out-of time, and that the matter be set for hearing.

Gulf States asserts that the implementation of the billing method proposed by MSS will result in an increase in the charges for energy in third party transactions involving LPL and Gulf States, and that MSS has no authority to unilaterally increase its charges under the interconnection agreement between LPL, Gulf States, and Central Louisiana Electric Company. Gulf States argues that the filing of MSS is therefore invalid under the *Mobile-Sierra* doctrine.[2] In addition, Gulf States contends that the filing violates the filing requirements for changes in rates contained in the Commission's regulations, that the statement of principles contained in the filing is neither covered by nor in compliance with Order No. 84, that the filing did not give adequate notice of an intent to increase rates, and that the billing procedure is so vague as to be incapable of fair application.

On December 29, 1980, MSS filed an answer to Gulf States' appeal. MSS argues that the appeal should be denied because of the untimeliness of Gulf States' petition to intervene and because MSS will be prejudiced by granting late intervention. MSS also states that the billing method which it implemented in response to Order No. 84 caused an 8.4% increase in charges to Gulf States for energy in third party transactions in the September, 1980 bill from LPL to Gulf States.

Discussion

The first question posed by the pleadings is whether to permit Gulf States to intervene out of time. Gulf States notes that the letter filed by MSS on August 11, 1980, does not mention Gulf States, although Gulf States, LPL, and Central Louisiana Electric Company, Inc. are parties to an interconnection agreement which is affected by the August 11 filing. However, on October 22, 1980, Gulf States received a bill from LPL which reflected increased charges resulting from the billing procedure set forth in the August 11 filing and which advised Gulf States that LPL was awaiting Commission approval of its filing. Prior to receipt of this bill, it does not appear that Gulf States had notice of the type required by the Federal Power Act that MSS' filing would produce increased charges, thereby adversely affecting Gulf States' interests. We believe that participation in this proceeding by Gulf States is in the public interest and that, under the circumstances noted above, good cause exists to grant Gulf States' intervention out of time.

The Sierra-Mobile Doctrine and Order No. 84

In determining the legality of MSS' rate filing, the familiar principles of the *Mobile-Sierra* doctrine are controlling. In *Richmond Power and Light, et al.* v. *FPC*, 481 F.2d 490 (D.C. Cir. 1973), *cert. denied*, 414 U.S. 1068 (1973), the court summarized the essence of the doctrine: "The contract between the parties governs the legality of the filing." *ID.* at 493. The doctrine preserves the integrity of contracts and has been held to apply whether the parties agree to a specific rate or whether they agree to a rate changeable in a specific manner. *Id.* at 497; *Louisiana Power and Light Co.* v. *FERC*, 587 F.2d 671, 676 (5th Cir. 1979).

The regulations adopted in Order No. 84 apply to all electric rate schedules required to be filed by the Commission's regulations that are applicable to transactions in which the utility or system performs a transmission or purchase and resale function. If a utility uses a rate component that recovers revenues computed as a percentage of the purchased power price, the utility is required to establish a limit on the revenues recovered by such rate components in any transaction. Utilities must conform any rate schedules on file with the Commission to these requirements.

Filings which are made with the Commission in order to comply with Order No. 84 are subject to the *Mobile-Sierra* doctrine. We have previously explained the relationship between Order No. 84 and the doctrine:

> The commission's Order No. 84 does not propose to depart from the *Mobile-Sierra* doctrine. The underlying basis of Order No. 84 is the generic finding that the unrestricted operation of percentage adders applied to transmission or purchase and resale rates will result in excess revenues, and that the limitation on percentage adders through Order No. 84 will result in lower and more cost-related rates. The Commission has thus made a general finding that non-conforming adders will produce unjust and unreasonable results and has ordered utilities to file rates in compliance with Order No. 84. Therefore, the commission will accept those compliance submittals for filing but, in instances where intervenors have raised questions regarding violations of the *Mobile-Sierra* doctrine and have alleged that the submittals may produce an increase in rates we shall suspend those rates subject to refund and set the matter for hearing. Upon a finding that the proposed rate change results in a rate increase to the customer, the Commission, at that time, will consider approprite motions to reject the filings on *Mobile-Sierra* criteria. [3]

The Contract Between Gulf States and LPL

Because MSS stated in its answer to Gulf States' appeal that the Order No. 84 billing method caused an 8.4% increase in charges to Gulf States for energy in third party transactions in the September, 1980 bill from LPL to Gulf States, it is unnecessary to set for hearing the question whether the proposed rate change results in a rate increase to this customer. The remaining question is whether in the interconnection agreement between Gulf States and LPL, dated September 1, 1951, the parties have agreed to a rate which can be changed unilaterally or only by mutual agreement.

The interconnection agreement provides for the exchange of a number of electric services and for coordinated operations of the parties. With respect

[2] See *FPC* v. *Sierra-Pacific Power Co.*, 350 U.S. 348 (1956); *United Gas Pipeline Co.* v. *Mobile Gas Service Corp., et al.*, 350 U.S. 332 (1956). *See also United Gas Pipe Line Co.* v. *Memphis, Light, Gas & Water Div.*, 358 U.S. 103 (1958).

[3] *Allegheny Power Systems, et al.*, Docket Nos. ER80–593, *et al.*, issued October 3, 1980, mimeo at 2–3.

to charges under the rate schedules. Section 3.1 provides:

> The power to be supplied by each party to the other hereunder, the terms and conditions of such supply, and the charges to be paid therefor shall be in accordance with arrangements from time to time agreed upon among the parties. Such arragnements shall be set up in the form of service schedules, each of which. When signed by authorized officials of the parties hereto, shall become part of the agreement for the term hereof for such shorter term as may be provided in the service schedule.

Thus, the contract between Gulf States and LPL is a fixed rate contract which can, by its terms, only be changed by mutual consent. Under the *Mobile-Sierra* doctrine, any amendment of LPL's rate schedules with respect to the interconnection agreement with Gulf States which has the effect of unilaterally increasing rates to Gulf States would be a nullity. Under the circumstances, we shall modity the letter order issued on November 12, 1980, re-open the docket, and reject the filing insofar as it applies to the interconnection agreement between LPL and Gulf States. In all other respects, we shall affirm the directives contained in the November 12, 1980 letter order. As a result of this determination, any amounts paid by Gulf States in excess of the contract rates were unlawfully collected and LPL will be required to make refunds of the excess payments.

In rejecting that portion of the MSS' filing which applies to Gulf States as inconsistent with the *Mobile-Sierra* doctrine, we are not holding that utilities with fixed rate contracts are under no obligation to comply with Order No. 84. On the contrary, utilities must design their rates in a manner which both complies with Order No. 84 and the *Mobile-Sierra* doctrine. Order No. 84 indicates a number of different methods for complying with the regulations promulgated therein. Therefore, we shall order MSS to file substitute rate schedules which comply with these requirements.

In view of our resolution of these issues, it is not necessary to discuss the remaining contentions made by Gulf States.

The Commission orders:

(A) The above-captioned docket is hereby re-opened and Gulf States' appeal from staff action is hereby granted; the letter order issued in this docket by the Director of Office of Electric Power Regulation, dated November 12, 1980, is modified in accordance with paragraph B below.

(B) The proposed rate schedule revisions filed by MSS on August 11, 1980, as revised on September 1, 1980, are hereby rejected insofar as they apply to the interconnection agreement with Gulf States.

(C) Within sixty (60) days of the issuance of this order, LPL shall refund to Gulf States any payments in excess of the existing contract rate, together with interest computed in accordance with the Commission's regulations. Within thirty (30) Days thereafter, LPL shall file with the Commission a report setting forth the amounts of the refunds and a statement by Gulf States acknowledging receipts of the refunds.

(D) Within sixty (60) days of the issuance of this order, LPL shall file substitute rate schedules or tariffs which comply with Order No. 84, but which do not unilaterally increase rates to Gulf States.

(E) Gulf States' petition to intervene is granted subject to the rules and regulations of the Commission. *Provided, however,* that participation by the intervenor shall be limited to matters set forth in the petition to intervene, and *Provided further,* that admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4937 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER79-642, ER80-124, and ER81-166-000]

Missouri Utilities Co.; Order

Issued: February 6, 1981.

Order Accepting for Filing and Suspending Proposed Service Agreements, Denying Waiver of Notice, Granting Summary Disposition in Part, Granting Intervention, Consolidating Dockets, and Establishing Procedures.

On December 11, 1980, Missouri Utilities Company (Missouri) tendered for filing unexecuted electric service agreements [1] under which Missouri states that it "is willing to provide wholesale electric power to the Cities of Jackson and Malden." Missouri has previously filed service agreements applicable to these cities in Docket Nos. ER79-642 and ER80-124.[2] On December 8, 1980, Missouri filed an application to withdraw the earlier service agreements, and to terminate the prior dockets.

Notice of the filing in Docket No. ER81-166-000 was issued on December 22, 1980. A timely petition to intervene, protest, and motion to reject was jointly filed by the Cities of Jackson and Malden (cities). The cities move for summary disposition of portions of the agreements and request for maximum five month suspension period. In addition, the cities object to a variety of provisions in the service agreements.

Discussion

Initially, we find that participation in this proceeding by the petitioners is in the public interest. Consequently, we shall grant the petition to intervene.

Missouri proposes that the service agreements become effective as of the date of filing. The company argues that the 60 day notice requirement set forth in the Federal Power Act and incorporated in our regulations is inapplicable. In the alternative, Missouri asks that the Commission waive the 60 day notice requirement, in view of the prior filings in Docket Nos. ER79-642 and ER80-124. Contrary to Missouri's contentions, the instant filing represents an independent change in rate schedules for which notice is clearly required, absent waiver. The cities have raised substantial objections to the provisions of these service agreements and have requested that the maximum five month suspension period be imposed. In view of these considerations, the Commission finds that good cause does not exist to grant waiver of the notice requirements. The request will therfore be denied.

Considering the allegations raised by the intervenors, we find that the proposed service agreements have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed service agreements for filing, as modified by this order, and suspend their operation as ordered below.

In a number of suspension orders,[3] we have addresed the considerations

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[1] *See* Attachment A for rate schedule designations.

[2] By Commission order dated November 5, 1979, in Docket No. ER79-642, Missouri's proposed service agreement with Malden was suspended for one day to become effective as of October 1, 1979, subject to refund. By order dated February 5, 1980, Missouri's proposed service agreement with Jackson was suspended until March 3, 1980, subject to refund. Testimony has been filed in the consolidated proceeding and a hearing has been scheduled, but postponed.

[3] *E.g., Boston Edison Company,* Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Company* Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Company,* Docket No. ER80-488 (August 22, 1980) (one day suspension).

underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may fun afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh or inequitable results. Such circumstances have been presented here. The Commission notes that these service agreements will not have a significant impact on rates charged to Missouri's affected customers. Moreover, Missouri's customers do not appear to be placed in immediate jeopardy by implementation of the challenged provisions of these agreements. We therefore believe that a five month suspension is unnecessary. However, in order to afford protection to the affected customers, pending further review, we believe we should exercise our discretion to suspend the rate schedules for one day from 60 days after the date of filing permitting the service agreements to take effect on February 11, 1981, subject to refund and the outcome of a hearing in this docket.

As noted above, Missouri has filed an application to withdraw its proposed service agreements in Docket Nos. ER80–124 and ER79–642. By order dated December 19, 1980, in those dockets, the presiding administrative law judge granted a request for an extension of time in which to file responses to Missouri's pleading. It is our understanding that testimony has been filed in the prior dockets and that certain procedural dates have been imposed. The existing testimony may or may not bear some relationship to the instant submittal. Thus, at this juncture, we believe that the presiding judge is in the best posture to determine whether termination of the underlying dockets represents the most expedient and practicable manner in which to further proceed. As a result, the Commission will defer action of Missouri's application to withdraw and motion to terminate pending the judge's consideration of any related pleadings and certification of the motion with recommendations.

In the interim, we note that Docket Nos. ER80–124, ER79–462, and ER81–166–000 may present common questions of law and fact. Accordingly, we shall consolidate those dockets, subject to severance at a later date in the event that action on Missouri's motion to terminate so warrants.

The Commission will grant the cities' motion for summary disposition with respect to one of the issues raised in their protest. The cities have challenged the "Billing and Payment" provisions (Section 10) of Missouri's proposed service schedules. In part, this section provides that any bill will be due and payable within ten days from its date; delinquent bills would bear interest at the then-current prime rate. The cities object to these requirements, stating that they are vague and that the designated payment period is unreasonably short. We believe that these questions should properly be addressed at hearing. However, the billing provisions further provide as follows: "If the bill shall remain delinquent for fifteen (15) days, the Company shall have the right to forthwith terminate service without notice." By means of this provision, Missouri purports to create a "right" which exists neither under the Federal Power Act, nor under the Commission's regulations. Indeed, this clause is entirely contrary to the provisions of section 205 of the Federal Power Act and §§ 35.15 and 2.4 of the Commission's regulations, all of which contemplate appropriate notice (and Commission evaluation of) any such change in service. Furthermore, the rate schedule provision proposed by Missouri is *per se* contrary to the public interest and we can think of no conceivable overriding interest of Missouri which would militate in favor of this clause. As a result, we shall order Missouri to strike the last sentence of Section 10 of its proposed service agreements and to refrain from applying any such unilateral cancellation provision.

Other objections raised by the cities pertain to a provision which would establish a maximum capacity service level and a further provision which would permit Missouri to continue collecting certain ratcheted demand charges after termination of service. These matters may be pursued at the hearing ordered below.

The Commission orders:

(A) Missouri's request for waiver of the Commission's notice requirements is denied.

(B) Missouri's proposed service agreements tendered for filing on December 11, 1980, are hereby accepted for filing, as modified by ordering paragraph (C) below, and suspended for one day from 60 days after the date of filing, to become effective on February 11, 1981, subject to refund pending hearing and decision thereon.

(C) The cities' motion for summary disposition is hereby granted in part and denied in part. Missouri is hereby directed to strike from its proposed service agreements the last full sentence of Section 10, and to refrain from applying any such unilateral cancellation provision. Within thirty (30) days from the date of this order, Missouri shall refile its proposed agreements with the designated sentence deleted.

(D) The cities' petition to intervene is hereby granted subject to the rules and regulations of the Commission: *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *Provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act [(18 CFR Chapter I (1980)] a public hearing shall be held concerning the justness and reasonableness of Missouri's proposed service agreements.

(F) Docket Nos. ER80–124, ER79–642, and ER81–166–000 are hereby consolidated for purposes of hearing and decision, pending appropriate subsequent action on Missouri's December 8, 1980 motion to terminate the first two of these dockets.

(G) The administrative law judge designated to preside in Docket Nos. ER80–124 and ER79–642 shall convene a conference in this proceeding to be held within twenty (20) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., 20426. This conference shall be held for purposes of expediting discovery, establishing procedural dates—including the submittal of a case-in-chief by Missouri—and pursuing other appropriate matters in these consolidated dockets. As soon as practicable, upon consideration of the pleadings of the parties and the circumstances extant in this proceeding, the presiding judge shall certify to the Commission, with recommendations, the question whether the filings in Docket Nos. ER80–124 and ER79–642 should be

permitted to be withdrawn and those dockets terminated. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(H) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Missouri Utilities Company

[Docket No. ER81-166-000]

Designation	Other party
(1) Service Agreement under FPC Electric Tariff, Original Volume No. 1 (Supersedes Service Agreement thereunder dated October 2, 1979).	City of Malden, Missouri.
(2) Service Agreement under FPC Electric Tariff, Original Volume No. 1 (Supersedes Service Agreement thereunder dated March 2, 1960).	City of Jackson, Missouri.

Filed: December 11, 1980.
Dated: December 9, 1980.

[FR Doc. 81-4936 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3735-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

February 6, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on November 18, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3753 to be known as Monogahela River Lock and Dam 3 located on Monogahela River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Monogahela River Lock and Dam 3 and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 4.7 megawatts; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 24,892,000 kWh.

Purpose of Project—Project energy would be sold to the Duquesne Light Company or another local utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before April 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 12, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before April 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "Comments", "Notice of Intent to File Competing Application", "Competing Application", "Protests", or "Petition To Intervene", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3753. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4931 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-116 and ER80-511]

Niagara Mohawk Power Corp.; Order Granting Motion To Reject Rate Proposal In Part

Issued: February 6, 1981.

On December 4, 1980, the Village of Lake Placid, New York (Lake Placid) filed a motion to reject a portion of the July 1, 1980 supplemented filing submitted by Niagara Mohawk Power Corporation (Niagara Mohawk) in Docket No. ER80-511. The supplemental filing includes a proposed rate for

transmission service above 50kv and another rate for service below 50kv. Because Lake Placid takes service at 115kv, and does not now intend to take service below 50 kv, its motion to reject is directed toward the proposed rate for service below 50 kv. Lake Placid states that it has no interest in litigating inapplicable rates, and that retention of those rates in these dockets could unnecessarily expand the scope and consequences of the instant proceeding.

On December 29, 1980, Niagara Mohawk filed a response to Lake Placid's motion. Niagara Mohawk states it is willing to eliminate the issue of the appropriate rate for service below 50kv from these dockets, but that it opposes any rejection or deletion of any cost data relating to either service.

On the basis of these pleadings, we shall grant Lake Placid's motion with regard to the proposed rate for service below 50kv. Accordingly, the rate proposal for service below 50kv will be deemed rejected and all issues concerning such service will be eliminated from these dockets. With regard to the remaining rate proposal for service to Lake Placid, we note that Niagara Mohawk has previously been directed to complete its filings and submit the required cost support and testimony no later than February 27, 1981. *See* order issued August 29, 1980, Docket No. ER80–511; notice of extension of time, issued December 22, 1980, Docket Nos. ER79–559, ER79–560, ER80–116, and ER80–511.

In addition to the foregoing pleadings, an untimely petition to intervene and protest has been filed by the Municipal Electric Utilities Association of New York (MEUA), an organization of municipally owned electric utilities and rural electric cooperatives, and an existing intervenor in *Niagara Mohawk Power Company,* Docket Nos. ER79–559 and ER79–560. MEUA states that its interests are not adequately represented in Docket Nos. ER80–116 and ER80–511, and that such interests will be affected even if Lake Placid's December 4, 1980, motion is granted. MEUA expresses particular concern regarding the potential precedential effect of a decision in the instant dockets on subsequent proceedings to determine just and reasonable rates for other preference customers served by Niagara Mohawk. In addition, MEUA protests the proposed rates in a number of respects.

The late petition to intervene properly lies before the designated administrative law judge under section 1.27 of the Commission's regulations. Accordingly, we shall leave to the presiding judge's discretion both the question of the appropriateness of MEUA's intervention and the scope of such intervention, if granted. We shall also leave to the judge the question of what cost support is relevant evidence in this proceeding.

The Commission Orders

(A) Lake Placid's December 4, 1980, motion concerning Niagara Mohawk's July 1, 1980, rate proposal for service below 50kv is hereby granted. The proposed rate for service below 50kv in Docket Nos. ER80–116 and ER80–511 is rejected.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-4936 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81–8–000]

Pelto Oil Co., et al.; Petition for Declaratory Order or in the Alternative for Rulemaking

February 5, 1981

Take notice that on January 9, 1981, Pelto Oil Company, Two Greenspoint Plaza, Suite 400, 16825 Northcase, Houston, Texas 77060, *et al.* (Petitioners), filed with the Federal Energy Regulatory Commission (Commission) a petition seeking a declaratory order under §§ 1.7(a) and 1.43 of the Commission's rules of practice and procedure or, in the alternative, pursuant to § 1.7(b) of the Commission's rules of practice and procedure, asking the Commission to initiate a rulemaking concerning the election procedures of Section 107(d) of the Natural Gas Policy Act of 1978 (NGPA). Section 107(d) requires that, if a federal tax credit with respect to the production of high-cost natural gas is specifically allowable, an election must be made between the tax credit and incentive pricing under Section 107 and Subtitle B of Title I of the NGPA. Under Section 107(d), if such a credit is specifically allowable, then an election filing is required to be made on or before the later of (i) 30 days after the passage of legislation allowing the tax credit, or (ii) the date that the surface drilling of the well commences. The Crude Oil Windfall Profit Tax Act of 1980 (WPTA), signed into law on April 2, 1980, permits tax credits for certain high-cost natural gas production.

Petitioners state that they own interests in certain natural gas wells in the East Dykesville Field in Northern Louisiana. Petitioners obtained their interests after the 30-day filing period of Section 107(d) had expired and did not file elections within the 30-day period. Petitioners request the Commission to issue an order declaring their entitlement to Section 107 incentive prices for both recompletion and new tight formation gas produced from their East Dykesville Field wells.

With respect to their recompletion tight formation gas, Petitioners aver that such gas has been encountered by virtue of reentry operations performed after January 1, 1980 in dry holes drilled from the surface prior to July 16, 1979. Petitioners ask for an order stating that their reentry operations do not constitute "drilling" within the meaning of Section 231 of the WPTA, and that therefore no tax credit was allowable with respect to gas produced as a result of these operations. Petitioners further state that one of them perfected an election prior to the surface drilling of certain of the East Dykesville Field wells which will produce tight formation gas. Petitioners ask the Commission to issue an order declaring that this election was effective with respect to all of their tight formation gas.

Petitioners also assert that the WPTA credit for tight formation gas phases out according to increases in the price of decontrolled domestic crude oil. Petitioners further allege that, under the phase-out formula set out in the WPTA, the tax credit for tight formation natural gas production is completely phased out and worthless. Petitioners thus ask the Commission to declare that, for 1980, no credit was "allowable" for tight formation gas within the meaning of Section 107(d) of the NGPA, and that the Section 107(d) election process was not triggered for tight formation gas.

If the Commission declines to grant the declaratory relief requested, Petitioners have asked the Commission to initiate a rulemaking to determine (i) under what circumstances the election process of Section 107(d) of the NGPA was triggered by the enactment of the WPTA and (ii) what relief may be available to natural gas producers that did not make timely elections to charge incentive prices in lieu of taking the tax credit.

Any person desiring to be heard or to protest the petition for declaratory order should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before March 6, 1981. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the petition are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4920 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EF79-4021]

Southwestern Power Administration; Order Confirming and Approving Long-Term Rates

Issued: January 8, 1981.

On April 12, 1979, the Assistant Secretary for Resource Applications (RA) of the Department of Energy tendered for filing, on behalf of the Southwestern Power Administration (SWPA), a request for confirmation and approval of rates and charges for the sale of all hydroelectric power generated at the Corps of Engineers' Sam Rayburn Dam project to Sam Rayburn Dam Electric Cooperative, Inc. (Cooperative).[1] These rates, which would remain effective until May 31, 1984, were approved by RA Rate Order No. SWPA-2, issued June 1, 1979, on an interim basis. The proposed rates would produce a 35% increase in annual revenues from $1,030,000 to $1,388,300.

The Sam Rayburn Dam project, located on the Angelina River in the Neches River basin in eastern Texas, consists of two hydroelectric generating units with an installed capacity of 52,000 kW. The project is not interconnected with SWPA's integrated electric system. Instead, the power produced by the Sam Rayburn Dam project is marketed by SWPA as an isolated project.

Public notice of the instant submittal was published in the **Federal Register** on May 4, 1979, with comments required to be filed by interested persons on or before May 18, 1979. A petition to intervene was filed by Cooperative on May 22, 1979. By letter dated January 23, 1980, Cooperative was provided a further opportunity to formulate and submit comments on the proposed rate increase. On March 12, 1980, Cooperative filed additional comments. Cooperative's pleading raises several issues and also seeks to incorporate in this proceeding positions that it previously advanced in Docket No. E-7201.[2] Cooperative asserts, *inter alia*, that SWPA has improperly included costs for future replacements in the proposed rates, improperly allocated administrative and overhead expenses, and improperly estimated O&M expenses. In addition, Cooperative maintains that SWPA has not justified the proposed rates on the basis of a "cost of service" study, and Cooperative requests that an evidentiary hearing to initiated to determine the proper rates for SWPA in this proceeding.

Discussion

As an initial matter, we find that participation by Cooperative in this proceeding may be in the public interest. We shall therefore grant the petition to intervene.

Cooperative's contention that SWPA's rates must be developed on a cost of service basis is mistaken. The United States Court of Appeals for the District of Columbia Circuit, in *Sam Rayburn Dam Electric Cooperative, et al.*, v. *Andrus, et al.*, Civil No. 1219-71 (1978),[3] rejected a similar claim that a full cost of service approach to ratemaking is mandated in proceedings under Section 5 of the Flood Control Act of 1944. The court concluded that reliance on SWPA's rate and replacement method was reasonable and consistent with the Act. Similarly, in this proceeding, the repayment study submitted with the filing has provided the Commission with sufficient information to examine the proposed rates under the standards imposed by the Flood Control Act.

According to Cooperative, the proposed rate increase is premised on various facts which are in dispute and thus an evidentiary hearing is required. We disagree. No formal hearing is necessary in this case. *Associated Electric Power Cooperative* v. *Morton*, 507 F.2d 1167 (D.C. Cir. 1974). *See Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519 (1978). Cooperative, the only contractual customer for the hydroelectric power generated at the Corps of Engineers' Sam Rayburn Dam Project, was fully apprised of the proposed rate increase and of its right to submit written comments thereon. Moreover, the Cooperative's opportunity to comment on the rate increase fully satisfied due process requirements. *Associated Electric Power Cooperative* v. *Morton, supra. See United States* v. *Florida East Coast Railway Co.*, 410 U.S. 224 (1973). The mere presence of technical issues in and of itself is insufficient to support a requirement for evidentiary hearings. *See O'Donnell* v. *Shaffer*, 491 F.2d 59 (D.C. Cir. 1974).

SWPA's rates are before this Commission pursuant to the authority of the Flood Control Act of 1944, 16 U.S.C. 825s, the Department of Energy Organization Act, Pub. L. 95-91, August 4, 1977 as amended, and the Secretary of Energy's Delegation Order No. 0204-33. Unlike rate applications made by a private utility under the Federal Power Act where the "just and reasonable" test is to be applied, the instant proceeding is governed by Section 5 of the Flood Control Act of 1944. The standards have been prescribed by Congress. Such rate schedules must be drawn:

(1) Having regard to the recovery of the cost of generation and transmission of such electric energy;

(2) So as to encourage the most widespread use of SWPA power;

(3) To provide the lowest possible rates to consumers consistent with sound business principles; and

(4) In a manner which protects the interests of the United States in amortizing its investment in the projects within a reasonable period.

The rate schedules so evolved become finally effective only upon confirmation and approval by the Commission. As a result, the Commission's authority to review such rate schedules is limited. The Commission views its role in this matter as similar to that of an appellate court. In this capacity, the Commission can affirm, reject or remand the rates submitted to it for confirmation and approval. Under the statute, the Commission must initially determine whether the rate schedules would provide a sufficient level of revenues to allow SWPA to recover its capital costs. The Commission's review of this matter is based on the supporting data and information submitted by the RA as well as the comments filed by the Cooperative. Based upon this information, the Commission can review the rates to determine whether the interests of the United States in amortizing investment in the Sam Rayburn Dam project within a reasonable period are protected, and whether the rate scheme encourages the

[1] The referral was made pursuant to the provisions of Section 5 of the Flood Control Act of 1944, Section 302(a)(1) of the DOE Organization Act, and Section 2 of DOE Secretarial Delegation Order No. 0204-33.

[2] According to Cooperative, this pleading is intended to supplement the pleading that it filed in Docket No. E-7201. On September 30, 1976, in Docket No. E-7201, the Secretary of the Interior tendered for filing with the Federal Power Commission an application for confirmation and approval of rates providing for annual revenues of $1,152,900. On October 1, 1977, the DOE Organization Act caused this case to be transferred to the Economic Regulatory Administration of the Department of Energy (ERA). By order issued May 26, 1978, ERA determined that the proposed rates of $1,152,900 were inadequate to recover the project costs within a reasonable time and denied the request for increased rates.

[3] This is an unreported opinion.

widest use of SWPA power and provides the lowest rates to consumers consistent with sound business principles.

Our review of the supporting documents reveals that the proposed rates are consistent with the statutory requirements. Accordingly, we shall confirm and approve those rates. This confirmation of the proposed rate schedules should not be construed as approval of the specific practices or methodologies reflected in SWPA's repayment study.[4]

The Commission orders

(A) The long-term rates for the sale of hydroelectric power and energy generated at the Corps of Engineers' Sam Rayburn Dam project, as submitted by the Assistant Secretary for Resource Applications of the United States Department of Energy, are hereby confirmed and approved.

(B) The Cooperative is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *provided, however,* that the participation by this intervenor shall be limited to matters set forth in its petition to intervene; and *provided, further,* that the admission of this intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered by the Commission in this proceeding.

(C) The Cooperative's request that we establish hearing procedures concerning the Sam Rayburn Dam project rates is hereby denied.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4935 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-157-000]

Trunkline Gas Co.; Application

February 5, 1981.

Take notice that on January 22, 2981, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-157-000 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval to abandon for the 12-month period commencing the date of the order and operation of various field compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in constructing and abandoning facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment under § 157.7(g) would not exceed $3,000,000 and the cost for any single project would not exceed $500,000. Such costs, it is asserted, would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4921 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-7054-000, etc.]

Texaco Inc., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

February 4, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 of 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene

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[4] The Commission notes some concern with such practices as SWPA's repayment of the highest interest bearing investment first and SWPA's allocation of its administrative and overhead expenses on the basis of plant investment. However, we do not reach these questions in the exercise of our confirmation authority in this proceeding inasmuch as the combined effect of these practices on the revenue requirements shown in SWPA's study is relatively small.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-7054-000, D, Jan. 9, 1981	Texaco Inc. (Operator), P.O. Box 430, Bellaire, Texas 77401.	United Gas Pipe Line Company, Boyce Field, Goliad County, Texas.	(1)	
G-7392-000, D, Jan. 9, 1981	Texaco Inc. (Operator), P.O. Box 430, Bellaire, Texas 77401.	United Gas Pipe Line Company, South Porter Field, Karnes County, Texas.	(1)	
G-13746-003, D, Jan 21, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corporation, South Pelto 20 Field, Offshore Louisiana.	(1)	
CI81-104-000 (CI61-222), B, Jan. 16, 1981.	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water Street, Wichita, Kansas 67201.	El Paso Natural Gas Company, Farnsworth Lower Morrow Field, Ochiltree County, Texas.	(1)	
CI81-105-000 (CI73-397), B, Jan. 2, 1981.	do	Michigan Wisconsin Pipe Line Company, LaVerne Area, Harper Co., Oklahoma.	(2)	
CI81-106-000 (CI73-473), B, Jan. 2, 1981.	do	Lone Star Gas Company, Katie Field, Garvin County, Oklahoma.	(3)	
CI81-112-000 (CI73-15), B, Jan. 5, 1981.	do	Northwest Pipeline Corporation, Mickelson Creek Field, Sublette County, Wyoming.	(1)	
CI81-113-000 (CI61-127), B, Jan. 5, 1981.	do	Texas Gas Transmission Corp., Chacahoula Field, Lafourche Parish, Louisiana.	(4)	
CI81-114-000 (CI66-96), B, Jan. 5, 1981.	do	United Gas Pipe Line Company, Mount Oliver Field, Smith County, Mississippi.	(5)	
CI81-115-000 (CI73-399), B, Jan. 5, 1961	do	Northern Natural Gas Company, Luther Hill & East Fort Supply Fields, Ellis & Woodward Counties, Oklahoma.	(10)	
CI81-122-000 (CI73-298), B, Jan. 12, 1981.	do	El Paso Natural Gas Company, Bisti Lower Gallup Field, San Juan County, New Mexico.	(11)	
CI81-123-000 (G-11511), B, Jan. 12, 1981.	do	Colorado Interstate Gas Company, Greenwood Field, Morton County, Kansas.	(12)	
CI81-124-000 (G-6069), B, Jan. 12, 1981.	do	Michigan Wisconsin Pipe Line Company, Savoy Field, St. Landry Parish, Louisiana.	(13)	
CI81-159-000 (G-6075), B, Jan. 8, 1981.	do	Michigan Wisconsin Pipe Line Company, Bayou Mallet Field, Acadia Parish, Louisiana.	(14)	
CI81-160-000 (CI73-250), B, Jan. 8, 1981.	do	Michigan Wisconsin Pipe Line Company, LaVerne Field, Harper County, Oklahoma.	(15)	
CI81-161-000 (G-17455), B, Jan. 12, 1981.	do	El Paso Natural Gas Company, Bisti Field, San Juan County, New Mexico.	(16)	
CI81-162-000 (G-19223), B, Jan. 8, 1981.	do	Transcontinental Gas Pipe Line Corporation, Wildcat Bayou Field, Terrebonne Parish, Louisiana.	(17)	
CI81-163-000 (CI73-58), B, Jan. 8, 1981.	do	Colorado Interstate Gas Company, Keyes Field, Cimarron County, Oklahoma.	(18)	
CI81-164-000 (CI60-777), B, Jan. 8, 1981.	do	Trunkline Gas Company, Southwest Esther Field, Vermilion Parish, Louisiana.	(19)	
CI81-165-000 (CI73-297), B, Jan. 8, 1981.	do	Transcontinental Gas Pipe Line Corporation, Johnson Bayou Field, Cameron Parish, Louisiana.	(20)	
CI81-116-000 (CI61-1167), B, Jan. 5, 1981.	The B & A Pipe Line Company, P.O. Box 2159, Dallas, Texas 75221.	United Gas Pipe Line Company, Henderson Field, Rusk County, Texas.	(21)	
CI81-117-000 (CI61-1333), B, Jan. 5, 1981.	American Petrofina Company of Texas (as the succ. to American Liberty), Liberty Oil Company and Beacon Oil and Refining Company, Post Office Box 2159, Dallas, Texas 75221.	The B & A Pipe Line Company, Henderson Field, Rusk County, Texas.	(22)	
CI81-125-000, B, Jan. 12, 1981	H & L Operating Company, P.O. Box 7401, Amarillo, Texas 79109.	Panhandle Eastern Pipe Line Company, Keyes Field, Cimarron County, Oklahoma.	(23)	
CI81-126-000 (CI60-76), B, Jan. 13, 1981.	Texas Gas Exploration Corporation, 3300 First International Plaza, 1100 Louisiana, Houston, Texas 77002.	Texas Gas Transmission Corporation, Chacahoula and St. John Areas, Lafourche Parish, Louisiana.	(24)	
CI81-166-000, B, Jan. 21, 1981	Southwest Petro Capital Corporation, Box 2498, Santa Fe, NM 87501.	Michigan Wisconsin Pipeline Company, Stafford County, Kansas.	(25)	
CI81-167-000, B, Jan. 23, 1981	Tally Johnson, Route 1, Box 24A, Terrelton, OK 74801.	Cities Service Gas Company, Terrelton Southeast, Pawnee Oklahoma.	(26)	
CI80-406, E, July 7, 1980	Placid Oil Company (Succ. in Interest to Bodcaw Company), 1600 First National Bank Building, Dallas, Texas 75202.	United Gas Pipe Line Company, Cotton Valley Field, Webster Parish, Louisiana.	(27)	15.025

[1] Release of Lease.
[2] Release of Lease.
[3] Wells plugged and abandoned.
[4] Well plugged, gas contract has expired.
[5] Contract expired, and lease expired.
[6] Gas contract terminated (Letter of 10/25/79). No gas sales, gas lines taken out.
[7] Acreage covered under Rate Schedule No. 101 sold effective February 1, 1977.
[8] Contract expired January 1, 1981, well has been plugged, acreage has been released of record.
[9] Well plugged and contract terminated.
[10] Property sold, no gas sales.
[11] Contract has been terminated and no gas is sold.
[12] Acreage covered by Rate Schedule No. 61 sold to Carl E. Hiss of September 19, 1973.
[13] Acreage covered under Rate Schedule No. 51 sold to Goldking Production Company effective December 1, 1972.
[14] Gas Contract expired June 1, 1976. Leases have expired.
[15] Contract expired. Unit dissolved and abandoned leases expired. Last well plugged 1-15-72.
[16] Gas contract has terminated and there are no gas sales.
[17] Acreage covered under Energy Reserves Group, Inc. Rate Schedule No. 68 sold to Martin Exploration Company effective August 1, 1977.
[18] Contract expired. Leases expired. Well plugged.
[19] Well plugged and contract expired.
[20] Well plugged.
[21] B & A, as seller and United, as Buyer desire to terminate the contract dated August 1, 1952.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base

[32] Applicant and B & A desire to terminate the contract dated July 31, 1952 between American Liberty Oil Company and Beacon Oil and Refining Company (Applicant's predecessor in interest), as Seller and B & A, as Buyer and to abandon the service authorized in Docket No. CI61-1333, and Applicant makes this filing to abandon service thereunder.

[33] Well watered out.

[34] The remaining lease covered by seller's subject rate schedule expired due to lack of production on October 16, 1977 and reverted to the landowner.

[35] Due to deteriorated condition of Seller's low pressure gathering lines. Seller cannot deliver any volumes into Buyer's high-pressure pipeline system.

[36] To sell gas to Mid-America Gas Line Corporation. Gas will be resold by Mid-America Gas Line Corporation to Cities Service Gas Company.

[37] On 10-10-79, Bodcaw Company, a Delaware corporation, merged with IPB, Inc., and the name of the surviving corporation became Bodcaw Company, a new Delaware corporation. On 10-11-79, the new Bodcaw Company sold and coveyed to Placid all the mineral properties and oil and gas production owned by Bodcaw Company. Bodcaw Company was issued a Certificate of Public Convenience and Necessity in Small Producer Certificate in Docket No. CS71-304.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-4919 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES								
-A & R COMPANY			RECEIVED: 01/12/81 JA: OH					
8112444		3416724182	103		DEAN ABICHT NO 2	LONG RUN	7.0	
8112442		3416724169	103		JOSEPH EDDY NO 1 C	LONG RUN	4.0	
-ALTHEIRS OIL INC			RECEIVED: 01/12/81 JA: OH					
8112617		3412724843	103		KIENER #1	SALTLICK TWP	10.0	NICOFIBERS INC
-AMERICAN EXPLORATION CO			RECEIVED: 01/12/81 JA: OH					
8112589		3411924571	108		BAKER #2		4.6	TIMKEN CO
8112426		3415722637	108		BEITZEL-GRIMM #1		4.5	LIBBEY OWENS FORD CO
8112568		3411923315	108		BIXLER #1		20.2	NATIONAL GAS & OIL C
8112581		3411924065	108		BOTSON #1		4.9	TIMKEN
8112567		3411923276	108		BOWERS #1		14.5	AMERICAN EXPLORATION
8112425		3415722614	108		BUEHLER #1		0.9	LIBBEY OWENS FORD CO
8112575		3411923756	108		L BURWELL #1		7.3	LIBBEY OWEN CORD
-AMERICAN PETROEL INC			RECEIVED: 01/12/81 JA: OH					
8112483		3416725907	107		JEFFREY L DOAN #1	INDEPENDENCE	72.0	
8112484		3416725910	107		NEVA DYE SNIDER #1	INDEPENDENCE	36.5	
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 01/12/81 JA: OH					
8112594		3411925353	103		SHOCK NO 1	CASS	18.0	
-BEREA OIL AND GAS CORPORATION			RECEIVED: 01/12/81 JA: OH					
8112596		3411925436	103		FRICK #1	RICH HILL	1.0	COLUMBIA GAS TRANSMI
8112597		3411925502	103		GRANT #3	UNION	1.0	COLUMBIA GAS TRANSMI
-BUCKEYE OIL PRODUCING CO			RECEIVED: 01/12/81 JA: OH					
8112508		3407522180	108		AMOS R YODER #1		6.0	EAST OHIO GAS CO
8112507		3407522072	108		HIPP-STEIMEL #3		3.0	COLUMBIA GAS TRANSMI
8112635		3415122996	108		MILLER-VOLKMANN UNIT #2		8.0	EAST OHIO GAS CO
-C W RIGGS INC			RECEIVED: 01/12/81 JA: OH					
8112541		3411121905	103		EDGAR CLINE #1	GRAYSVILLE FIELD	20.8	COLUMBIA GAS
-CAMERON BROS			RECEIVED: 01/12/81 JA: OH					
8112553		3411920850	108		EVERETT COFFEY #2	SALT CREEK	2.0	NATIONAL GAS & OIL C
8112550		3411920303	108		FRANK MITCHELL #2	BLUE ROCK	2.5	NATIONAL GAS & OIL C
8112578		3411923911	108		KING QUARRIES #1		8.0	COLUMBIA GAS TRANS
8112582		3411924214	108		KING QUARRIES #2		8.0	COLUMBIA GAS TRANS
8112552		3411920592	108		M J REID #2		1.0	NATIONAL GAS & OIL C
8112580		3411924035	108		ROBERT MERRY #1		8.0	COLUMBIA GAS TRANS
8112584		3411924327	108		ROBERT MERRY #2		8.0	COLUMBIA GAS TRANS
-CARL E SMITH INC			RECEIVED: 01/12/81 JA: OH					
8112540		3410521987	103		DAVID DODDERER NO 1		16.0	COLUMBIA GAS TRANSMI
8112538		3410521881	103		F BERL BOGGS NO 1		16.0	COLUMBIA GAS TRANSMI
8112537		3410521867	103		GORRELL UNIT NO 1		17.0	COLUMBIA GAS TRANSMI
8112539		3410521904	103		ROBERT E SAMS NO 1		16.0	COLUMBIA GAS TRANSMI
-CLINTON OIL CO			RECEIVED: 01/12/81 JA: OH					

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112590		3411924591	108		BRIGGS #1		6.2	TIMKEN
8112429		3416723982	108		RAY ARNOLD #1		7.7	GAS TRANSPORT
8112431		3416724041	108		RAY ARNOLD #2		7.7	GAS TRANSPORT
8112430		3416724037	108		RAY ARNOLD #3		7.7	GAS TRANSPORT
8112601		3412720585	108		SHIPLETT #1		2.0	NATIONAL GAS & OIL C
8112603		3412721762	108		SHIPLETT #4		2.0	NATIONAL GAS & OIL C
8112510		3408322524	108		WALDO BLUE #2		0.7	COLUMBIA GAS TRANS C
-DON MCKEE DRILLING CO INC					RECEIVED: 01/12/81 JA: OH			
8112616		3412724815	103		MELVIN & JANE DUPLER #1	MADISON	5.0	NATIONAL GAS & OIL C
-DONOHUE ANSTEY & MORRILL					RECEIVED: 01/12/81 JA: OH			
8112600		3412122255	107		H F & M W SCHOCKLING #1	ENOCH TOWNSHIP	10.0	EAST OHIO GAS CO
-EVERFLOW EASTERN INC					RECEIVED: 01/12/81 JA: OH			
8112533		3409920715	108		AMBROSIA #1	ELLSWORTH	1.0	AMERICAN ENERGY SERV
8112535		3409920729	108		AMBROSIA #2A	ELLSWORTH	1.0	AMERICAN ENERGY SERV
8112519		3409920644	108		BERARDI - HAMILTON #2	ELLSWORTH	12.0	AMERICAN ENERGY SERV
8112528		3409920709	108		BROWN #1	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8112534		3409920716	108		BROWN #2	ELLSWORTH	12.0	AMERICAN ENERGY SERV
8112531		3409920712	108		BROWN #3	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8112530		3409920711	108		BROWN #4	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8112527		3409920707	108		DIDUR #1	ELLSWORTH	3.0	AMERICAN ENERGY SERV
8112521		3409920667	108		GORDON #1	ELLSWORTH	8.0	AMERICAN ENERGY SERV
8112520		3409920666	108		JERRY #1	ELLSWORTH	7.0	AMERICAN ENERGY SERV
8112522		3409920670	108		JERRY #2	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8112526		3409920697	108		KABINE #1	ELLSWORTH	7.0	AMERICAN ENERGY SERV
8112524		3409920695	108		KABINE #2	ELLSWORTH	4.0	AMERICAN ENERGY SERV
8112523		3409920688	108		MARTIN #1	ELLSWORTH	7.0	AMERICAN ENERGY SERV
8112536		3409920793	108		MENDENHALL - DEMARCO #1	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8112525		3409920696	108		REVESZ #1	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8112529		3409920710	108		YEAGER #1	ELLSWORTH	3.0	AMERICAN ENERGY SERV
8112532		3409920713	108		YEAGER #2	ELLSWORTH	2.0	AMERICAN ENERGY SERV
-FRANK W HOOVER PROD					RECEIVED: 01/12/81 JA: OH			
8112488		3416922350	103		CARL SIDLE #1	PLAIN	100.0	COLUMBIA GAS TRANSMI
-GASEARCH INC					RECEIVED: 01/12/81 JA: OH			
8112650		3415521437	102		HERROCK-PANNUNZIO UNIT #1	VIENNA	20.0	
8112651		3415521438	102		KLEASE #1	VIENNA	20.0	
8112652		3415521447	102		KLEASE #2	VIENNA	20.0	
-GENERAL ELECTRIC ENERGY DEVT OPER					RECEIVED: 01/12/81 JA: OH			
8112622		3413322348	103		HAHN #5		30.0	EAST OHIO GAS CO
8112624		3413322364	103		HAHN #6		30.0	EAST OHIO GAS CO
8112619		3413321453	103		KOHL-MAHAN #1		30.0	EAST OHIO GAS CO
8112623		3413322349	103		SAVIERS-KNAPP #3		30.0	EAST OHIO GAS CO
-GUERNSEY PETROLEUM CORPORATION					RECEIVED: 01/12/81 JA: OH			
8112574		3411923621	108		DICKSON #1-M		12.0	EAST OHIO GAS CO
8112593		3411924703	108		HANS-WILLISTON #3ME		1.0	EAST OHIO GAS CO
8112503		3405922454	108		HOWALD #1ME		11.0	EAST OHIO GAS CO
8112564		3411922379	108		LEEDOM #1		7.0	COLUMBIA GAS TRANSMI
8112561		3411922210	108		LEEDOM #2		7.0	COLUMBIA GAS TRANSMI
8112501		3405921740	108		OHIO POWER #2H		1.0	EAST OHIO GAS CO
8112502		3405921741	108		OHIO POWER 3H		3.0	EAST OHIO GAS CO
8112599		3412122082	108		OHIO POWER 41-ME		13.0	EAST OHIO GAS CO
8112504		3405922581	108		TENNANT-WILLIAMS 1MH		3.0	EAST OHIO GAS CO
-HILLTOP DEVELOPMENT CORP					RECEIVED: 01/12/81 JA: OH			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8112595		3411925409	103		WAYNE LEVERING #2	JACKSON	7.0	NATIONAL GAS & OIL C
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 01/12/81 JA: OH					
8112543		3411121957	103		LEANDER KUHN #2		12.0	COLUMBIA GAS TRANSMI
8112542		3411121934	103		MANSEL C HINES #1		12.0	COLUMBIA GAS TRANSMI
-JOE L SCHRIMSHER			RECEIVED: 01/12/81 JA: OH					
8112489		3416922434	103		BECKLER #1	WOOSTER	20.0	EAST OHIO GAS CO
8112490		3416922440	103		FREEMAN #1	WOOSTER	20.0	EAST OHIO GAS CO
-L & M OPERATING INC			RECEIVED: 01/12/81 JA: OH					
8112471		3416724504	108		ANDREW RAUCH #2		12.8	GAS TRANSPORT INC
8112443		3416724170	108		BERNARD STRAHLER #1		12.8	GAS TRANSPORT INC
8112470		3416724498	108		BERNARD STRAHLER #10		12.8	GAS TRANSPORT INC
8112451		3416724329	108		BERNARD STRAHLER #2		12.8	GAS TRANSPORT INC
8112454		3416724332	108		BERNARD STRAHLER #3		12.8	GAS TRANSPORT INC
8112455		3416724222	108		BERNARD STRAHLER #4		12.8	GAS TRANSPORT INC
8112453		3416724331	108		BERNARD STRAHLER #5		12.8	GAS TRANSPORT INC
8112452		3416724330	108		BERNARD STRAHLER #6		12.8	GAS TRANSPORT INC
8112467		3416724442	108		BERNARD STRAHLER #7		12.8	GAS TRANSPORT INC
8112469		3416724492	108		BERNARD STRAHLER #9		12.8	GAS TRANSPORT INC
8112460		3416724411	108		BERNARD THIEMAN #1		12.8	GAS TRANSPORT INC
8112438		3416724112	108		BESSIE LANG #1		12.8	GAS TRANSPORT INC
8112441		3416724168	108		CHARLES SCHILLING #1		12.8	GAS TRANSPORT INC
8112428		3416723955	108		CLARENCE STRAHLER #1		12.8	GAS TRANSPORT INC
8112476		3416724665	108		CLARENCE STRAHLER #3		12.8	GAS TRANSPORT INC
8112475		3416724664	108		CLARENCE STRAHLER #4		12.8	GAS TRANSPORT INC
8112439		3416724125	108		DAVID SCHILLING #1		12.8	GAS TRANSPORT INC
8112468		3416724490	108		DAVID SCHILLING #3		12.8	GAS TRANSPORT INC
8112461		3416724412	108		DAVID WALBERT #1		12.8	GAS TRANSPORT INC
8112448		3416724267	108		EARL THIEMAN #1		12.8	GAS TRANSPORT INC
8112458		3416724381	108		EARL THIEMAN #2		12.8	GAS TRANSPORT INC
8112466		3416724439	108		EARL THIEMAN #3		12.8	GAS TRANSPORT INC
8112432		3416724083	108		EARL TORNES #1		12.8	GAS TRANSPORT INC
8112465		3416724436	108		EARL ULLOM #2		12.8	GAS TRANSPORT INC
8112445		3416724200	108		EDWARD SCHILLING #2		12.8	GAS TRANSPORT INC
8112457		3416724335	108		ELLA RAUCH #1		12.8	GAS TRANSPORT INC
8112456		3416724334	108		ELLA RAUCH #2		12.8	GAS TRANSPORT INC
8112449		3416724274	108		FLORENCE TULLIUS #1		12.8	GAS TRANSPORT INC
8112472		3416724584	108		HAROLD RAUCH #1		12.8	GAS TRANSPORT INC
8112450		3416724277	108		JOHN REED #1		12.8	GAS TRANSPORT INC
8112463		3416724421	108		JOHN REED #2		12.8	GAS TRANSPORT INC
8112464		3416724422	108		JOHN REED #3		12.8	GAS TRANSPORT INC
8112473		3416724626	108		JOHN REED #4		12.8	GAS TRANSPORT INC
8112433		3416724084	108		JOHN SCHILLING #1		12.8	GAS TRANSPORT INC
8112434		3416724089	108		LAWRENCE SCHAAD #1		12.8	GAS TRANSPORT INC
8112440		3416724142	108		RALPH LONG #1		12.8	GAS TRANSPORT INC
8112446		3416724246	108		RAYMOND RAUCH #1-A		12.8	GAS TRANSPORT INC
8112437		3416724107	108		ROBERT SCHWENDEMAN #1		12.8	GAS TRANSPORT INC
8112477		3416724667	108		RUPERT ULLMAN #1		12.8	GAS TRANSPORT INC
8112474		3416724658	107		SCHULTHIES #1	FEARING	12.8	COLUMBIA GAS TRANSMI
8112427		3416723354	108		SHADIX RADIO & TV #1		12.8	GAS TRANSPORT INC
8112435		3416724104	108		ULLOM - LANG #1 (EARL)		12.8	GAS TRANSPORT INC
8112436		3416724105	108		VIRGIL HUCK #1		12.8	GAS TRANSPORT INC
8112459		3416724384	108		WALTER SCHAAD #2		12.8	GAS TRANSPORT INC

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8112462		3416724415	108		WALTER SCHAAD #3		12.8	GAS TRANSPORT INC
8112447		3416724266	108		WM SCHILLING #1		12.8	GAS TRANSPORT INC
-L R B GAS COMPANY					RECEIVED: 01/12/81 JA: OH			
8112499		3405320222	108		RATHBURN #1		0.0	COLUMBIA GAS TRANSMI
8112500		3405320280	108		RATHBURN #2		0.0	COLUMBIA GAS TRANSMI
-MCKENZIE MANAGEMENT CO					RECEIVED: 01/12/81 JA: OH			
*8112633		3415121385	108		GEORGE MCKIMM #1	EAST CANTON NE	7.1	EAST OHIO GAS CO
*8112634		3415121386	108		GEORGE MCKIMM #2	EAST CANTON	7.1	EAST OHIO GAS CO
8112496		3402920581	108		LEWIS SKIVOLOCKE #1	BEST POOL	0.0	EAST OHIO GAS CO
-MERIDIAN OIL & GAS ENT INC					RECEIVED: 01/12/81 JA: OH			
8112491		3400720667	108		BERNICE A PEBBLES #1		2.0	EAST OHIO GAS CO
-MORMACK INDUSTRY INC					RECEIVED: 01/12/81 JA: OH			
8112487		3416922307	103		ELIZ RAMSIER #1	MILTON GAS	120.0	COLUMBIA GAS TRANS
-MUMMA OIL AND GAS CO					RECEIVED: 01/12/81 JA: OH			
8112514		3409920260	108		DECKANT #1		17.2	EAST OHIO GAS CO
8112511		3409920252	108		DROUHARD #1		15.2	EAST OHIO GAS CO
8112512		3409920253	108		DROUHARD #2		17.9	EAST OHIO GAS CO
8112513		3409920259	108		MAHONING VALLEY SANITARY DIST #1		10.8	EAST OHIO GAS CO
8112518		3409920269	108		NEFF #1		10.4	EAST OHIO GAS CO
8112517		3409920266	108		STIRLING #1		3.6	EAST OHIO GAS CO
8112516		3409920262	108		TOMICH #1		8.4	EAST OHIO GAS CO
8112515		3409920261	108		TOMICH #2		9.3	EAST OHIO GAS CO
-NOBLE OIL CORP					RECEIVED: 01/12/81 JA: OH			
8112625		3413322376	103		BEDNAR #2	PALMYRA	20.0	GENERAL ELECTRIC CO
8112618		3413321109	103		GOURLEY-ELLIOTT #1	EDINBURG	20.0	GENERAL ELECTRIC CO
8112606		3412723174	108		JUNKINS #1		20.0	NATIONAL GAS & OIL C
8112632		3413322831	103		PATTON #6	EDINBURG	2.0	GENERAL ELECTRIC CO
8112628		3413322380	103		PATTON #7	EDENBURG	20.0	GENERAL ELECTRIC CO
8112620		3413322271	103		PETRY-GOTTSCHALK #2	EDINBURG	20.0	GENERAL ELECTRIC CO
8112608		3412723245	108		RAMBO #1		20.0	NATIONAL GAS & OIL C
8112626		3413322377	103		REAGAN #1	PALMYRA	20.0	GENERAL ELECTRIC CO
8112627		3413322378	103		REAGAN #2	PALMYRA	20.0	GENERAL ELECTRIC CO
8112607		3412723175	108		TRUBEE #1		20.0	NATIONAL GAS & OIL C
8112621		3413322276	103		VENTURE #3	HIRAM	20.0	HIRAM COLLEGE
-OHIO OIL & GAS CO					RECEIVED: 01/12/81 JA: OH			
8112655		3415521540	102		ALLEN #2	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8112420		3415521586	102		BAKOS #1	HARTFORD	20.0	COLUMBIA GAS TRANSMI
8112653		3415521465	102		LARRISON #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
8112656		3415521583	102		SCHWARTZ #5	FOWLER	20.0	COLUMBIA GAS TRANSMI
8112657		3415521585	102		SUMMERS #5	FOWLER	20.0	COLUMBIA GAS TRANSMI
8112654		3415521516	102		VALISKI #1	JOHNSTON	20.0	COLUMBIA GAS TRANSMI
-OXFORD OIL CO					RECEIVED: 01/12/81 JA: OH			
8112602		3412721636	108		ALFRED HUMPHREY #1		1.0	COLUMBIA GAS TRANS
8112555		3411921677	108		BENTON BAIRD #1		0.5	NATIONAL GAS & OIL C
8112556		3411921766	108		BENTON BAIRD #2		0.5	NATIONAL GAS & OIL C
8112557		3411921775	108		BENTON BAIRD #3		0.5	NATIONAL GAS & OIL C
8112558		3411921877	108		BENTON BAIRD #4		0.5	NATIONAL GAS & OIL C
8112559		3411921891	108		BENTON BAIRD #5		0.5	NATIONAL GAS & OIL C
8112587		3411924476	108		DAMON KENNISON #1		15.0	NATIONAL GAS & OIL C
8112546		3411521510	108		DAVID NEWLON #1		12.0	NATIONAL GAS & OIL C
8112497		3403122638	108		DENNIS DAVIS #1		10.0	NATIONAL GAS & OIL C
8112547		3411521589	108		EDWARD BLOSSER #1		4.0	NATIONAL GAS & OIL C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112588		3411924487	108		EMERY ELKINGTON #1		13.0	NATIONAL GAS & OIL C
8112571		3411923400	108		ESTHER MORRIS #1		1.0	NATIONAL GAS & OIL C
8112583		3411924245	108		EUGENE BINKLEY #1-A		11.0	NATIONAL GAS & OIL C
8112424		3415721238	108		EUGENE CHUMNEY #1		20.0	EAST OHIO GAS CO
8112554		3411921237	108		FRED HAAS #2		6.0	NATIONAL GAS & OIL C
8112498		3403123298	108		HAROLD LOWERY #1		13.0	NATIONAL GAS & OIL C
8112585		3411924460	108		JOHN MARLING #1		17.0	COLUMBIA GAS TRANS
8112573		3411923574	108		KINKADE - SWINGLE UNIT #1		9.0	NATIONAL GAS & OIL C
8112592		3411924902	108		KINKADE-SWINGLE UNIT #2		9.0	NATIONAL GAS & OIL C
8112423		3415721235	108		MARKLEY-MCNUTT #2		4.0	EAST OHIO GAS CO
8112422		3415721210	108		MARKLEY-MCNUTT #3		4.0	EAST OHIO GAS CO
8112486		3416921128	108		MARTHA CONRAD #2		3.0	COLUMBIA GAS TRANS
8112505		3407521495	108		MARY MILLER #1		14.0	COLUMBIA GAS TRANS
8112572		3411923549	108		MELVIN DUTCHER #1		6.0	NATIONAL GAS & OIL C
8112560		3411922073	108		PATRICK FOSTER #1		3.0	NATIONAL GAS & OIL C
8112610		3412723502	108		RAYMOND COBLENTZ #1		1.5	NATIONAL GAS & OIL C
8112612		3412723629	108		RAYMOND COBLENTZ #2		1.5	NATIONAL GAS & OIL C
8112549		3411522106	103		ROBERT SMITH #2	DEERFIELD	10.0	
8112421		3415720851	108		ROBERT TIDRICK #1		5.0	EAST OHIO GAS CO
8112576		3411923765	108		ROLLAND SAVAGE #1		6.0	NATIONAL GAS & OIL C
8112579		3411923931	108		ROY PAUL #1-W		14.0	NATIONAL GAS & OIL C
8112551		3411920313	108		WALTER GATEWOOD #1		2.0	NATIONAL GAS & OIL C
8112566		3411923157	108		WALTER GATEWOOD #2		2.0	NATIONAL GAS & OIL C
8112569		3411923340	108		WALTER GATEWOOD #3		2.0	NATIONAL GAS & OIL C
8112570		3411923341	108		WALTER GATEWOOD #4		2.0	NATIONAL GAS & OIL C
8112577		3411923807	108		WAYNE COFFEY #1		1.5	NATIONAL GAS & OIL C
8112586		3411924475	108		WAYNE EPPLEY #1		13.0	NATIONAL GAS & OIL C
-PAUL A WEBER					RECEIVED: 01/12/81 JA: OH			
8112639		3415123325	103		PAUL WEBER #1	PLAIN	24.0	EAST OHIO GAS CO
-PREMIER ENERGY CORP					RECEIVED: 01/12/81 JA: OH			
8112509		3407522368	103		FRANK BOBEY #1		0.0	COLUMBIA GAS TRANSMI
-QUAKER STATE OIL REFINING CORP					RECEIVED: 01/12/81 JA: OH			
8112604		3412723093	108		BRADSHAW-STARNER #1		2.8	COLUMBIA GAS TRANSMI
8112611		3412723547	108		BRADSHAW-STARNER #2		2.8	COLUMBIA GAS TRANSMI
8112492		3400921777	108		E M POSTON #1		7.2	COLUMBIA GAS TRANSMI
8112494		3400921821	108		E M POSTON #2		7.2	COLUMBIA GAS TRANSMI
8112493		3400921818	108		E M POSTON #3		7.2	COLUMBIA GAS TRANSMI
8112495		3400921966	108		E M POSTON #5		7.2	COLUMBIA GAS TRANSMI
8112609		3412723469	108		G WOOD #1		1.6	COLUMBIA GAS TRANSMI
8112613		3412724109	108		G WOOD #2		1.6	COLUMBIA GAS TRANSMI
8112614		3412724110	108		G WOOD #3		1.6	COLUMBIA GAS TRANSMI
8112605		3412723141	108		HOWDYSHELL LUMBER CO #1		3.7	COLUMBIA GAS TRANSMI
-RELIANCE OIL CORP					RECEIVED: 01/12/81 JA: OH			
8112562		3411922234	108		FAYE JOHNSON #1		0.0	NATIONAL GAS & OIL C
8112563		3411922312	108		HARRY MORRISON #1		0.0	NATIONAL GAS & OIL C
8112565		3411922932	108		MORRIS-GRANDSTAFF #1		0.0	NATIONAL GAS & OIL C
-SANDHILL ENERGY INC					RECEIVED: 01/12/81 JA: OH			
8112478		3416725632	107		LAWRENCE HAMILTON #1	LAWRENCE	6.0	
8112479		3416725734	107		LAWRENCE HAMILTON #2	LAWRENCE	7.0	
8112480		3416725735	107		LAWRENCE HAMILTON #3	LAWRENCE	8.0	
8112481		3416725753	107		LAWRENCE HAMILTON #4	LAWRENCE	6.0	
8112482		3416725754	107		LAWRENCE HAMILTON #5	LAWRENCE	6.5	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SCHWANCO INC					RECEIVED: 01/12/81 JA: OH			
8112636		3415123105	103		ATWATER CLUBS INC-SPUHLER #1	LAKE	20.0	
-THE BENATTY CORPORATION					RECEIVED: 01/12/81 JA: OH			
8112548		3411522027	102		COUNTY FAIRGROUNDS/KENNEY #1		30.0	COLUMBIA GAS TRANSMI
-TOWNER PETROLEUM CO					RECEIVED: 01/12/81 JA: OH			
8112598		3412121579	108		SMITH #1		5.5	EAST OHIO GAS CO
-VESCORP INDUSTRIES INC					RECEIVED: 01/12/81 JA: OH			
8112591		3411924592	108		BAKER #3		11.7	TIMKEN CO
-VIKING RESOURCES CORP					RECEIVED: 01/12/81 JA: OH			
8112643		3415123344	103		BECK UNIT #2	PARIS	3.0	
8112644		3415123347	103		COUTS/RACH UNIT #1	LEXINGTON	3.0	
8112646		3415123366	103		D SMITH UNIT #1	PARIS	3.0	
8112638		3415123309	103		FOLTZ UNIT #1	PARIS	30.0	
8112649		3415123380	103		HAAS UNIT #1	PARIS	30.0	
8112647		3415123367	103		KIKO #2	PARIS	30.0	
8112637		3415123197	103		NAU #1	OSNABURG	30.0	
8112641		3415123339	103		OBERLIN UNIT #1	PARIS	30.0	
8112642		3415123340	103		OBERLIN UNIT #2	PARIS	3.0	
8112640		3415123330	103		OWENS-ICKES UNIT #1	PARIS	30.0	
8112630		3413322386	103		SPECHT UNIT #1	ATWATER	3.0	
8112631		3413322393	103		THOMAS #3	EDINBURG	30.0	
8112629		3413322383	103		THOMAS UNIT #1	PALMYRA	3.0	
8112648		3415123376	103		WALTZ #1	PARIS	30.0	
8112645		3415123362	103		WAYNE FARMS UNIT #2	PARIS	3.0	
-W E SHRIDER CO					RECEIVED: 01/12/81 JA: OH			
8112615		3412724716	103		ALBERT FOUNDS #1	MONROE	3.0	COLUMBIA GAS TRANSMI
-W J LYDIC INC					RECEIVED: 01/12/81 JA: OH			
8112544		3411121963	107		E WITTE N ET AL #1	E WITTEN ET AL	36.1	COLUMBIA GAS
8112545		3411121964	103		LAWRENCE KNOWLTON #1	GRAYSVILLE FIELD	16.0	COLUMBIA GAS
-WHITNAM OIL & GAS CORP					RECEIVED: 01/12/81 JA: OH			
8112485		3416726007	103		DALE & PHYLLIS HAUGHT #1	INDEPENDENCE	10.0	
-WILLIAM F HILL					RECEIVED: 01/12/81 JA: OH			
8112506		3407521962	108		MAYNARD #1		2.0	COLUMBIA GAS TRANSMI
**********								
TEXAS RAILROAD COMMISSION								
**********								
-AKERS & FULTZ					RECEIVED: 01/16/81 JA: TX			
8112755	26822	4223700000	108		W R RICHARDS NO 1	MARBLE FALLS CONGL GAS	6.0	SOUTHWEST GAS CO
-ALFRED C GLASSELL JR					RECEIVED: 01/16/81 JA: TX			
8112738	26399	4236500000	108		J C GUILL #1	CARTHAGE	0.0	TEXAS GAS TRANSMISSI
-AMOCO PRODUCTION CO					RECEIVED: 01/16/81 JA: TX			
*8112699	24336	4203931330	103		L F MCKIBBEN R/A B NO 7	HASTINGS WEST	172.3	TEXAS EASTERN TRANSM
8112719	25636	4221932886	103		LEVELLAND UNIT #770	LEVELLAND	2.2	EL PASO NATURAL GAS
8112718	25635	4221932868	103		LEVELLAND UNIT #771	LEVELLAND	3.3	EL PASO NATURAL GAS
8112662	16661	4216130494	102		SAM H GADDY SR NO 1	CHENEYBORO SOUTHWEST (95	456.3	LONE STAR GAS CO
-ARCO OIL AND GAS COMPANY					RECEIVED: 01/16/81 JA: TX			
8112724	26061	4229530726	103		FULTON-SELL #1-U	BRADFORD (CLEVELAND)	73.0	TRANSWESTERN PIPELIN
8112666	19137	4223330700	103		G B LUCAS #2	PANHANDLE WEST	73.0	PANHANDLE EASTERN PI
8112682	22486	4221131125	103		MAMIE PEARL RISLEY #5	HEMPHILL/GRANITE WASH	365.0	CITIES SERVICE GAS C
8112754	26806	4249531134	103		SEALY & SMITH UNIT NO 7XL	HALLEY (DEVONIAN)	912.5	TRANSWESTERN PIPELIN
8112787	27595	4221530922	103		TEMPLE W WEST GAS UNIT #30	TABASCO (D SEG 1)	100.0	TENNESSEE GAS PIPELI
-ASTIN CORP					RECEIVED: 01/16/81 JA: TX			
*8112709	24838	4208331693	103		C W HEMPHILL II NO 4 - 15560	COLEMAN COUNTY REGULAR	51.1	ODESSA NATURAL CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME
*8112703	24528	4208303106	103		HEMPHILL NO 2 - 14199
					RECEIVED: 01/16/81 JA: TX
-BAJA PETROLEUM					
8112831	27734	4206530766	103		BURNETT NO 1
8112832	27735	4206530765	103		BURNETT NO 2
					RECEIVED: 01/16/81 JA: TX
-BERTMAN DRILLING & PRODUCING CORP					
8112728	26216	4207130944	103		CECIL WINFREE ESTATE #1
					RECEIVED: 01/16/81 JA: TX
-CHALMERS OPERATING CO INC					
8112842	27815	4208130874	103		J W ARLEDGE 262 #3 (08073)
					RECEIVED: 01/16/81 JA: TX
-CHAMPLIN EXPLORATION INC					
8112712	25200	4205130634	103		BARNETT #1
8112689	23518	4228730517	103		GERDES B #2
8112693	23952	4214930375	103		GUSSIE HART #2
8112694	23956	4214930373	103		SCHMIDT HEIRS #1
					RECEIVED: 01/16/81 JA: TX
-CHAMPLIN PETROLEUM COMPANY					
8112855	27922	4243130893	103		I W TERRY NO 9 (25371)
					RECEIVED: 01/16/81 JA: TX
-CHEVRON U S A INC					
*8112659	09300	4238930935	102		REEVES-STATE 3-27
					RECEIVED: 01/16/81 JA: TX
-COASTAL OIL & GAS CORP					
8112717	25594	4213134735	103		STATE TRACT M-47922 #1A
					RECEIVED: 01/16/81 JA: TX
-COLUMBIA GAS DEVELOPMENT CORP					
8112863	28007	4205130848	102		A W HODDE NO 1
					RECEIVED: 01/16/81 JA: TX
-CONOCO INC					
8112853	27879	4237132868	103		ALLISON 5 #1
8112782	27555	4215100000	108		E S TOWNE #11
8112780	27553	4238900000	108		FORD GERALDINE UNIT
8112785	27591	4222700000	108		G O CHALK -E- #1
8112784	27590	4222700000	108		G O CHALK -E- #12
8112852	27878	4222732190	103		G O CHALK D #20
8112794	27624	4222700000	108		G O CHALK-E #13
8112795	27625	4215100000	108		J B TERRELL-A-#18
8112752	26753	4250531231	103		J G RATHMELL C NO 1
8112781	27554	4215100000	108		LUCIE MAE WILSON #18
8112786	27592	4213500000	108		MRS L E WIGHT -A- #25
8112796	27626	4213500000	108		MRS L E WIGHT-A-9 #6
8112793	27623	4210500000	108		RANCH STRAWN UNIT #7
8112702	24477	4242731426	102		T B SLICK EST H #164
8112688	23461	4247932600	102		VAQUILLAS RANCH A NO 1
8112708	24741	4247932600	102		VAQUILLAS RANCH A NO 3 89711
8112851	27877	4200332306	103		W H BOMER A #34
8112792	27614	4213500000	108		WIGHT UNIT #45
8112734	26389	4247932766	103		WILLIAM HUBBERD NO 18
					RECEIVED: 01/16/81 JA: TX
-CONSOLIDATED OIL & GAS INC					
8112742	26453	4220131057	103		T A PEEK NO 1
					RECEIVED: 01/16/81 JA: TX
-COTTON PETROLEUM CORPORATION					
8112701	24385	4232130971	103		BURKE NO 1
8112841	27807	4242130203	108		CENTRAL METHODIST #1
8112783	27563	4229530798	103		MAY MARY #1
					RECEIVED: 01/16/81 JA: TX
-CURTIS HANKAMER					
8112763	27186	4214900000	103		JACK MILLS #1 (12972)
					RECEIVED: 01/16/81 JA: TX
-DELHI OIL CORP & NRM					
8112864	28154	4217730576	102		FLOYD NO 2
					RECEIVED: 01/16/81 JA: TX
-DEVON CORPORATION					

FIELD NAME	PRCD	PURCHASER
COLEMAN COUNTY REGULAR	9.5	ODESSA NATURAL CORP
PANHANDLE - CARSON	65.7	PANHANDLE EASTERN PI
PANHANDLE - CARSON	87.6	PANHANDLE EASTERN PI
COTTON LAKE E (MARG 6300	146.0	HOUSTON PIPELINE CO
ARLEDGE (PENN SAND)	35.0	SUN OIL CO
GIDDINGS AUSTIN CHALK GA	365.0	CLAJON GAS CO
GIDDINGS (AUSTIN CHALK)	180.0	PGP GAS PRODUCTS INC
GIDDINGS (AUSTIN CHALK)	10.0	PHILLIPS PETROLEUM C
GIDDINGS (AUSTIN CHALK)	5.0	PHILLIPS PETROLEUM C
CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
KING EDWARD	1743.8	VALERO TRANS CO
NEELY (BRUNI 1900)	0.0	NATURAL GAS PIPELINE
GIDDINGS (AUSTIN CHALK)	92.0	FERGUSON CROSSING PI
ELSINORE	21.9	LONE STAR GAS CO
ROUND TOP	1.5	LONE STAR GAS CO
GERALDINE FORD	0.2	EL PASO NATURAL GAS
HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
HOWARD GLASSCOCK	0.3	PHILLIPS PETROLEUM C
HOWARD GLASSCOCK	0.3	PHILLIPS PETROLEUM C
ROUND TOP	1.9	LONE STAR GAS CO
HUNDIDO (LOBO)	300.0	HOUSTON PIPELINE CO
ROUND TOP	8.2	LONE STAR GAS CO
COWDEN NORTH	1.9	AMOCO PRODUCTION CO
COWDEN NORTH	3.4	AMOCO PRODUCTION CO
RANCH	14.2	DELHI GAS PIPELINE C
RINCON (VICKSBURG 7060)	380.0	TENNESSEE GAS PIPELI
VAQUILLAS RANCH (WILCOX	730.0	E I DUPONT DE NEMOUR
GATO CREEK (9800)	730.0	E I DUPONT DE NEMOUR
FUHRMAN-MASCHO	0.3	PHILLIPS PETROLEUM C
COWDEN NORTH	0.4	AMOCO PRODUCTION CO
	0.7	VALERO TRANSMISSION
NORTH DELHI	0.0	
MARKHAM SOUTH	300.0	CHANNEL INDUSTRIES G
TEXAS HUGOTON/KRIDER	17.0	PHILLIPS PETROLEUM C
PUNDT (ATOKA)	90.0	DIAMOND SHAMROCK COR
GIDDINGS (AUSTIN CHALK)	120.0	PHILLIPS PETROLEUM C
PEACH CREEK (AUSTIN CHAL	6.0	TIPPERARY CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112769	27420	4211531379	103		OYER #3	ACKERLY (DEAN SAND)	19.3	GETTY OIL CO
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112667	19315	4236731785	103		DIKES NO 2	RENO	175.0	SOUTHWESTERN GAS PIP
8112695	24045	4229530782	103		J M LAURIE A NO 2	BRADFORD	670.0	
8112680	21597	4239330745	103		JAMES B WATERFIELD A NC 4	MENDOTA NW	143.0	
-DR R B WILCHAR					RECEIVED: 01/16/81 JA: TX			
8112691	23895	4242932257	103		M O KENNEDY EST A #1	IVAN (MARBLE FALLS) FIEL	532.0	LONE STAR GAS CO
-EL PASO NATURAL GAS COMPANY					RECEIVED: 01/16/81 JA: TX			
8112721	25898	4217923755	108		VAN SANT #1	PANHANDLE WEST - BROWN D	22.0	EL PASO NATURAL GAS
-ENERGY RESERVES GROUP INC					RECEIVED: 01/16/81 JA: TX			
8112829	27730	4238331564	103		J H COX #4	CALVIN DEAN	24.5	UNION TEXAS PETROLEU
8112828	27729	4238331565	103		ONA WELLS #3	CALVIN DEAN	21.0	UNION TEXAS PETROLEU
8112827	27728	4238331680	103		VESTER HUGHES #9	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
-ENRICH OIL CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112697	24220	4244131427	102		Z OSWALT #1 ID-15372	GUION SE (GRAY SD)	111.0	UNION TEXAS PETROLEU
-ENSERCH EXPLORATION INC					RECEIVED: 01/16/81 JA: TX			
*8112797	27647	4228531451	103		W A EILERS NO 2	WORD N	705.0	VALERO TRANSMISSION
-EXXON CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112673	20599	4233930439	103		CONROE FIELD UNIT #1117	CONROE	150.0	MORAN UTILITIES
8112677	20608	4233930465	103		CONROE FIELD UNIT #1627	CONROE	270.0	MORAN UTILITIES
8112675	20606	4233930450	103		CONROE FIELD UNIT #1931	CONROE	240.0	MORAN UTILITIES
8112678	20609	4233930469	103		CONROE FIELD UNIT #1932	CONROE	250.0	MORAN UTILITIES
8112674	20601	4233930437	103		CONROE FIELD UNIT #2414	CONROE	180.0	MORAN UTILITIES
8112683	23103	4233930454	103		CONROE FIELD UNIT #311	CONROE	62.0	MORAN UTILITIES
8112676	20607	4233930433	103		CONROE FIELD UNIT #432	CONROE	290.0	MORAN UTILITIES
8112846	27819	4216531708	103		EUBANKS CLEARFORK UNIT #17	ROBERTSON N (CLEARFORK 7	6.0	PHILLIPS PETROLEUM C
8112843	27816	4200332317	103		FULLERTON CLEARFORK UNIT #2627	FULLERTON	30.0	PHILLIPS PETROLEUM C
8112768	27379	4210332301	103		J B TUBB A/C 1 #222L	SAND HILLS (TUBB)	6.0	EL PASO NATURAL GAS
8112844	27817	4210332325	103		J B TUBB A/C 1 #225U	SAND HILLS (MCKNIGHT)	43.0	EL PASO NATURAL GAS
8112732	26346	4210332234	103		J B TUBB F #19U	SAND HILLS (MCKNIGHT)	106.0	EL PASO NATURAL GAS
8112862	27981	4235730924	103		MARY KIRKPATRICK #1	PERRYTON WEST (MARMATON)	64.0	PHILLIPS PETROLEUM C
8112845	27818	4200332362	103		MEANS SAN ANDRES UNIT #860	MEANS	5.0	PHILLIPS PETROLEUM C
-FLAG-REDFERN OIL CO					RECEIVED: 01/16/81 JA: TX			
8112713	25227	4231732116	103		HILL NO 1 #25844	HILL RANCH (MISS)	40.0	NORTHERN NATURAL GAS
-FRANK W BURGER					RECEIVED: 01/16/81 JA: TX			
8112715	25285	4239931438	102		J B MCCORD #1 (87500)	J B MCCORD (GRAY)	0.0	UNION TEXAS PETROLEU
-GENERAL PRODUCTION CORP					RECEIVED: 01/16/81 JA: TX			
8112722	25962	4205130537	103		F C ANDERSON ET AL NO 2	WILLARD (NAVARRO) FIELD	55.0	FERGUSON CROSSING PI
-GETTY OIL COMPANY					RECEIVED: 01/16/81 JA: TX			
8112866	29646	4223330829	103		CROSBY C HATCHER #11	PANHANDLE HUTCHINSON	2.2	J M HUBER CORP
8112669	19871	4250131736	102		E D WEBB #1-D	BRAHANEY - DEVONIAN	0.0	SHELL OIL CO
8112692	23916	4200100000	103		J N EDENS NO 2-D #77080	CAYUGA (COTTON VALLEY)	606.0	LONE STAR
-GO OIL CORP					RECEIVED: 01/16/81 JA: TX			
8112840	27800	4236731539	103		CEARLEY NO 1 (84558)	RENO (CONGL)	0.0	GEER TANK TRUCKS INC
-GULF OIL CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112700	24380	4221131114	103		A A ROSS #7-71	HEMPHILL/GRANITE WASH	572.0	CITIES SERVICE GAS C
8112799	27653	4219500000	108		GARRETT #1	HANSFORD NORTH	8.0	NORTHERN NATURAL GAS
8112801	27674	4247531966	103		HUTCHINGS STOCK ASSN NO 1046	WARD-ESTES NORTH	0.7	CABOT CORP
8112830	27731	4247532149	103		HUTCHINGS STOCK ASSN NO 1107	WAGON WHEEL (PENN)	233.0	CABOT CORP
8112804	27683	4247531998	103		JACK EDWARDS K NO 2	JANELLE S E (TUBB)	10.0	H & T GATHERING
8112798	27652	4239300000	108		JOHN HAGGARD #4	QUINDUNO	14.0	NATURAL GAS PIPELINE
8112773	27436	4210531695	103		P BOUSCAREN ET AL J NO 2	BOUSCAREN (ELLENBURGER)	0.0	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8112672	20445	4219931246	103		SAM BASHARA NO 10 #03634	SARATOGA	10.0	MATADOR PIPELINE LTD
8112670	20439	4219931327	103		SAM BASHARA NO 11 #03634	SARATOGA	10.0	MATADOR PIPELINE LTD
8112671	20444	4219931172	103		SAM BASHARA NO 9 #03634	SARATOGA	35.0	MATADOR PIPELINE LTD
8112696	24080	4210332194	103		W N WADDELL ET AL TR A #1144	SAND HILLS (JUDKINS)	152.0	H & T GATHERING
-GUNN OIL CO					RECEIVED: 01/16/81 JA: TX			
8112707	24658	4226930872	102		BURNETT S B ESTATE 2-16	TOM (B CONGL) FIELD	0.0	LONE STAR GAS CO
8112707	24658	4226930872	103		BURNETT S B ESTATE 2-16	TOM (B CONGL) FIELD	0.0	LONE STAR GAS CO
-HARKEN OIL & GAS INCORP					RECEIVED: 01/16/81 JA: TX			
8112740	26413	4214330385	103		A L BOGGUS #1	SAP OAK (DUFFER)	182.0	NORTHERN GAS PRODUCT
-HENRY PETROLEUM CORP					RECEIVED: 01/16/81 JA: TX			
8112733	26359	4211500000	103		YATES B #1	TEX-HAMON (DEAN)	0.0	
-HUGHES & HUGHES					RECEIVED: 01/16/81 JA: TX			
8112764	27206	4235537563	102		MAESON PAINTER #1-C	COTTON (HARTMAN) FIELD	456.0	FERGUSON CROSSING PI
8112766	27209	4235531563	102		MAESON PAINTER #1-T	COTTON (BUSENLEHNER)	256.0	FERGUSON CROSSING PI
8112774	27485	4247932688	102		OLMITOS RANCH INC STATE #4	BELLE JEFFERS (7850)	0.4	HOUSTON PIPE LINE CO
-J B PRODUCTION CO					RECEIVED: 01/16/81 JA: TX			
8112745	26511	4239931373	103		ROBERT HEINZE NO 1	URBAN (MILES)	0.0	ODESSA NATURAL CORP
8112744	26507	4239900000	103		WALLACE BOWNDS #1	URBAN (MILES)	0.0	ODESSA NATURAL CORP
-J CLEO THOMPSON					RECEIVED: 01/16/81 JA: TX			
8112767	27219	4210500000	102		UNIVERSITY 33-1	UNIVERSITY 31 (STRAWN-DE	301.0	PHILLIPS PETROLEUM C
-JOHN L COX					RECEIVED: 01/16/81 JA: TX			
8112810	27693	4238331669	103		CARR ESTATE 4 #1 (08451)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
8112807	27690	4232930908	103		MABEE FOUNDATION #1 (26086)	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL GAS
8112806	27689	4232930909	103		MABEE FOUNDATION B #1 (26057)	SPRABERRY (TREND AREA)	10.0	NORTHERN NATURAL GAS
8112811	27694	4246131602	103		MOBIL-NEAL 12 #1 (08444)	BENEDUM (FUSSELMAN)	10.0	EL PASO NATURAL GAS
8112849	27825	4246131583	103		NEAL HEIRS B #1 (08414)	SPRABERRY (TA)	10.0	PHILLIPS PETROLEUM C
8112848	27824	4238331635	103		ROCKER B C #5-X (04476)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
8112809	27692	4238331622	103		THOMASON #1 (08452)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
8112808	27691	4238331629	103		THOMASON #2 (08452)	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
-JOHN R THOMPSON OPERATING INC					RECEIVED: 01/16/81 JA: TX			
8112758	26954	4202531201	103		GRACE F MALONE ET AL NO 1	BLANCONIA N (SINTON 4050	180.0	TRUNKLINE GAS CO
-JOY PETROLEUM CORP					RECEIVED: 01/16/81 JA: TX			
8112850	27860	4213300000	103		JAN-SAN 21 #1	PAT KAHAN (MISS)	343.1	LONE STAR GAS CO
-J3 OIL CO INC					RECEIVED: 01/16/81 JA: TX			
8112705	24605	4239131344	102		HYNES MINERAL TRUST A 3-T	REFUGIO-FOX (2200)	7.6	UNITED GAS PIPELINE
8112705	24605	4239131344	103		HYNES MINERAL TRUST A 3-T	REFUGIO-FOX (2200)	7.6	UNITED GAS PIPELINE
-KEITH D GRAHAM					RECEIVED: 01/16/81 JA: TX			
8112865	28605	4205130975	102		HCW NO 5 (12918)	GIDDINGS (AUSTIN CHALK)	140.2	CLAJON GAS CO
8112857	27967	4205130835	102		J LYONS #2 (12705)	GIDDINGS (AUSTIN CHALK)	128.8	CLAJON GAS CO
*8112762	27140	4205130616	102		OSCAR E TELG #3 (12870)	GIDDINGS (AUSTIN CHALK)	238.3	CHAMPLIN PETROLEUM C
-KERR-MCGEE CORPORATION					RECEIVED: 01/16/81 JA: TX			
8112838	27750	4243130732	103		WESTBROOK 33 NO 1	CONGER (PENN)	146.0	ESPORANZA PIPELINE C
-KILROY CO OF TEXAS					RECEIVED: 01/16/81 JA: TX			
8112765	27207	4217531065	102		IRENE VINTON NO 1-L	DANFORTH (FRIO 3125)	335.0	TRANSCONTINENTAL GAS
-LONDON & WAGGONER					RECEIVED: 01/16/81 JA: TX			
8112771	27434	4249731865	103		C W GOEHRING LEASE	BOONSVILLE (BCG) FIELD	219.0	NATURAL GAS PIPELINE
-M-T OIL & GAS CO					RECEIVED: 01/16/81 JA: TX			
8112739	26405	4237133017	103		EATON-CRAWFORD #1	PAYTON	33.0	EL PASO NATURAL GAS
8112736	26396	4237133082	103		OLIX #4	PAYTON	81.0	EL PASO NATURAL GAS
-MARSHALL AND WINSTON INC					RECEIVED: 01/16/81 JA: TX			
8112760	27039	4233531695	103		J F MCCABE C #1	JAMESON NORTH (ELLENBURG	68.0	SUN GAS CO
-MGF OIL CORP					RECEIVED: 01/16/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8112761	27120	4203330575	103		CANON-WHATLEY A #2 (62735)
-MINERAL DEVELOPMENT CO LTD					RECEIVED: 01/16/81 JA: TX
8112716	25480	4220930909	102		MINERAL DEVEL CC FEE NC 1-C
8112716	25480	4220930909	103		MINERAL DEVEL CC FEE NC 1-C
-MITCHELL ENERGY CORPORATION					RECEIVED: 01/16/81 JA: TX
8112743	26481	4203300000	103		MORRIS MILLER 312 #3
8112704	24530	4231732038	103		UNIVERSITY 13 #1
-MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 01/16/81 JA: TX
8112779	27510	4233531752	103		MARY FOSTER #142
*8112778	27509	4247531980	103		STATE AL NO 1
*8112777	27508	4247532104	103		STATE AN NO 3 (26038)
8112690	23842	4234931146	103		W H HODGE NO 1
-MORAN EXPLORATION INC					RECEIVED: 01/16/81 JA: TX
8112737	26397	4223530342	108		ROCKER B -O- NO 8
-MORGAS					RECEIVED: 01/16/81 JA: TX
8112363	17400	4248300000	103		BEA #1 82881
-MOTE RESOURCES INC					RECEIVED: 01/16/81 JA: TX
8112720	25709	4249700000	103		ARLON MORRIS NO 1
-NEUMIN PRODUCTION CO					RECEIVED: 01/16/81 JA: TX
8112661	15101	4228531403	102		TELTSCHICK 6-D 84812
-OLSEN ENERGY INC					RECEIVED: 01/16/81 JA: TX
*8112727	26103	4213533291	103		PARKER #2
*8112726	26102	4213500000	103		PARKER #3
-PENNZOIL PRODUCING COMPANY					RECEIVED: 01/16/81 JA: TX
8112839	27791	4239101111	108		W J FOX 30
-PETROLERO EXPLORATIONS INC					RECEIVED: 01/16/81 JA: TX
8112861	27971	4208130822	103		DURHAM #3 (07798)
8112860	27970	4213332282	103		J L SCOTT #1 (16098)
8112859	27969	4209530489	103		KITCHENS A #1 (04654)
8112858	27968	4239931644	103		T A SMITH #1 (08666)
-PETROLEUM TECHNICAL SERVICES CO					RECEIVED: 01/16/81 JA: TX
8112833	27738	4210332268	103		P J LEA NO 2
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/16/81 JA: TX
8112753	26780	4229530490	103		CRUISE D NO 2
8112723	26028	4240100000	108		THRASH #23
-POLK & PATTON INC					RECEIVED: 01/16/81 JA: TX
8112679	20808	4249731405	103		STERLING PRUITT #2
8112750	26656	4223733035	103		WIMBERLY UNIT #2
-RAGARS OIL & GAS CO					RECEIVED: 01/16/81 JA: TX
8112746	26527	4217500000	108		ELS EMIL NO 3 T
-RANGER OPERATING CO					RECEIVED: 01/16/81 JA: TX
8112729	26286	4223732883	103		MCANEAR NO 1 #87640
-ROBERT CARGILL					RECEIVED: 01/16/81 JA: TX
8112730	26325	4218330426	103		JEFFREY UNIT #4
-ROBERTS & HAMMACK INC					RECEIVED: 01/16/81 JA: TX
8112836	27747	4228900000	108		JETER-ALLBRIGHT NO 1
8112834	27744	4228900000	108		JETER-CHASTAIN NO 1
8112837	27748	4228900000	108		OLA-JETER NO 1-A
8112835	27745	4228900000	108		OLA-JETER NO 2
-RODMAN PETROLEUM CORP					RECEIVED: 01/16/81 JA: TX
8112710	24958	4204931980	103		SCHLENKER NO 1
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 01/16/81 JA: TX

FIELD NAME	PRCD	PURCHASER
JO-MILL (SPRABERRY)	2.4	GETTY OIL CO
ALDINE (YEGUA-7090)	80.0	HOUSTON PIPE LINE CO
ALDINE (YEGUA-7090)	80.0	HOUSTON PIPE LINE CO
LUCY NORTH (PENN)	20.0	
LACAFF (WOLFCAMP)	10.4	PHILLIPS PETROLEUM I
IATAN EAST HOWARD	0.4	GETTY OIL CO
CAPRITO (DELAWARE MIDDLE	5.5	LONE STAR GAS CO
CAPRITO (DELAWARE MIDDLE	30.3	LONE STAR GAS CO
CHENEYBORO (COTTON VALLE	54.8	
SPRABERRY (TREND AREA)	2.5	NORTHERN NATURAL GAS
EAST PANHANDLE	60.0	EL PASO NATURAL GAS
CHICO WEST (5700 CONGL)	3.7	TEXAS UTILITIES FUEL
SPEAKS (3200)	235.0	ALUMINUM CO OF AMERI
HARPER	6.0	PHILLIPS PETROLEUM C
HARPER	18.0	PHILLIPS PETROLEUM C
GRETA (L-3)	10.0	UNITED GAS PIPE LINE
BLOODWORTH NE (5750 CANY	55.8	SUN GAS GATHERING CO
EASTLAND COUNTY REGULAR	29.2	LONE STAR GAS CO
SPECK NORTH (STRAWN)	73.2	SUN GAS GATHERING CO
DICK RICHARDSON (GARDNER	16.4	UNION OF TEXAS PETRO
LEA (SAN ANDRES)	18.2	WARREN PETROLEUM CO
KIOWA CREEK	150.0	TRANSWESTERN PIPELIN
EAST TEXAS	0.9	PARADE CO
BOONSVILLE (BEND CONGL G	931.0	SOUTHWESTERN GAS PIP
MEEKER (1700)	164.2	SOUTHWESTERN GAS PIP
BOYCE / RECKLAW	16.0	UNITED GAS PIPE LINE
BRYSON EAST (CONGLOMERAT	96.0	LONE STAR GAS CO
WILLOW SPRINGS (BODENHEI	45.0	ARKANSAS LOUISIANA G
RED OAK (FB-8 SUB-CLARKS	20.0	LONE STAR GAS CO
RED OAK (FB-8 SUB-CLARKS	9.0	LONE STAR GAS CO
RED OAK (FB-8 SUB-CLARKS	4.0	LONE STAR GAS CO
RED OAK (FB-8 SUB-CLARKS	19.0	LONE STAR GAS CO
BROWN CO REGULAR	18.0	ODESSA NATURAL CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8112664	17903	4229700000	102		GEORGE WEST GAS UNIT 2 #3	GEORGE WEST W (8600) FIE	500.0	TEXAS EASTERN TRANSM
8112698	24228	4247932650	102		MAYERS GAS UNIT 3 #1	LILIA WILCOX	500.0	TRANSCONTINENTAL GAS
8112668	19511	4250531119	102		SAN FERNANDO MINERALS NO 2	WILDCAT	500.0	UNITED TEXAS TRANSMI
-SAXON OIL COMPANY					RECEIVED: 01/16/81 JA: TX			
8112854	27904	4246131609	103		LENA LEE NO 1	SPRABERRY (TREND AREA)	31.2	MOBIL PRDG TEXAS & N
-SHELL OIL CO					RECEIVED: 01/16/81 JA: TX			
8112800	27667	4228500000	108		FAY ROUSE NO 1	PROVIDENT CITY (WILCOX 9	15.0	TEXAS EASTERN TRANSM
-SOUTHLAND ROYALTY CO					RECEIVED: 01/16/81 JA: TX			
8112856	27940	4210332288	103		BRYANT 19 #1	CRAWAR NORTH	90.0	EL PASO NATURAL GAS
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 01/16/81 JA: TX			
8112706	24644	4236700000	103		H H NEWBY #1	RENO (CONGL)	130.4	SOUTHWESTERN GAS EXP
8112687	23275	4214330376	103		O C WINSLETT #1	MORGAN MILL (MARBLE FALL	0.0	ENERGY PIPELINE
8112685	23210	4214330320	103		PARKEY RANCH #1	MORGAN MILL (MARBLE FALL	119.9	ENERGY PIPELINE
8112684	23209	4214330332	103		PARKEY RANCH #4	MORGAN MILL (MARBLE FALL	41.3	ENERGY PIPELINE
8112686	23221	4214330349	103		R T DRAKE #2	MORGAN MILL NE (MARBLE F	243.3	ENERGY PIPELINE
-SUBURBAN PROPANE GAS CORP					RECEIVED: 01/16/81 JA: TX			
8112756	26824	4210532751	103		DAVIDSON A NO 2	DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL GAS
8112757	26825	4210532884	103		MEYBIN 34 NO 2	DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/16/81 JA: TX			
8112665	18985	4242700000	108		C V DE LOPEZ NO 3	SUN FIELD	21.0	TRANSCONTINENTAL GAS
8112660	14574	4236500000	108		S J NEAL NO 1	CARTHAGE	8.0	TEXAS GAS TRANSMISSI
8112681	21827	4238300000	108		UNIVERSITY -28- NO 1	TEXON WEST	5.0	DORCHESTER GAS PRODU
-TENNECO OIL COMPANY					RECEIVED: 01/16/81 JA: TX			
8112775	27502	4229732120	102		MARY ALYCE LINDHOLM NO 1	LINDHOLM	370.0	HOUSTON PIPE LINE CO
8112741	26421	4242731415	103		T B SLICK ESTATE NO 74	HINDE	450.0	TENNESSEE GAS PIPELI
-TEPCO ENGINEERING INC					RECEIVED: 01/16/81 JA: TX			
8112747	26585	4224931210	102		BURKET-BOERNER GAS UNIT NO 2	HENSHAW (4000) FIELD	100.0	NUE-WELLS PIPE LINE
8112747	26585	4224931210	103		BURKET-BOERNER GAS UNIT NO 2	HENSHAW (4000) FIELD	100.0	NUE-WELLS PIPE LINE
-TEXACO INC					RECEIVED: 01/16/81 JA: TX			
8112770	27428	4224731233	102		A K EAST FEE LEASE #20	BLACK DIAMOND (PETTUS I)	13.5	VALERO TRANSMISSION
8112803	27680	4213533370	103		J F COWDEN #40	GOLDSMITH N (SAN ANDRES	12.4	PHILLIPS PETROLEUM C
8112847	27823	4207930825	103		MALLET LAND & CATTLE F #21-A	SLAUGHTER	8.0	AMOCO PRODUCTION CO
8112802	27678	4216531755	103		SAM C JENKINS #6	JENKINS (SAN ANDRES) #6	0.5	PHILLIPS PETROLEUM C
8112772	27435	4247532131	103		STATE GAS UNIT B #3	CAPRITO (DELAWARE MIDDLE	456.2	PIONEER NATURAL GAS
8112714	25267	4247531961	103		STATE OF TEXAS OF #2	WAR-WINK S (WOLFCAMP)	399.0	
-TEXAS OIL & GAS CORP					RECEIVED: 01/16/81 JA: TX			
8112711	25120	4232900000	103		JONES W #1	DOVE CREEK (CANYON D)	73.0	COLUMBIA GAS TRANSMI
-TOM F MARSH INC					RECEIVED: 01/16/81 JA: TX			
8112735	26392	4248330729	107		CLARENCE ZYBACH #1-14	WILDCAT	335.0	COLORADO INTERSTATE
-TOWNSEND GAS CO					RECEIVED: 01/16/81 JA: TX			
8112751	26681	4239900000	103		CHARLES MATSCHEK NO 3-U	ROWENA NORTH (JENNINGS S	90.0	LONE STAR GAS CO
-TRANSCONTINENTAL OIL CORPORATION					RECEIVED: 01/16/81 JA: TX			
*8112776	27506	4241330934	103		UNIVERSITY 22-A #1	UNIVERSITY 53 (CANYON)	300.0	CRA INC
-TRINITY OIL & GAS CORP					RECEIVED: 01/16/81 JA: TX			
8112748	26589	4213300000	103		BAR H BAR RANCH E NO 5	TRINITY (BOND)	5.0	ATLAS-REISS PIPELINE
-UNION OIL COMPANY OF CALIF					RECEIVED: 01/16/81 JA: TX			
8112725	26099	4247532052	103		UNIVERSITY 18-19 #1	WARWINK S (WOLFCAMP)	110.0	
-W L BRUCE OPERATOR					RECEIVED: 01/16/81 JA: TX			
8112658	05733	4234100000	108		JE PRITCHARD #1 RRC 01352	PANHANDLE FIELD	11.3	PHILLIPS PETROLEUM C
-W M NULL					RECEIVED: 01/16/81 JA: TX			
8112759	27016	4212732016	102		N C KING #1	STUMBERG (OLMOS 4150)	11.0	VALERO TRANSMISSION
8112759	27016	4212732016	103		N C KING #1	STUMBERG (OLMOS 4150)	11.0	VALERO TRANSMISSION

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-W R EDWARDS JR					RECEIVED: 01/16/81 JA: TX			
8112749	26608	4223330890	103		BARNHILL NO 4-1	PANHANDLE HUTCHINSON CO	0.0	PANHANDLE PRODUCING
8112731	26344	4233230864	103		MELANIE NO 2	PANHANDLE HUTCHINSON CO	0.0	PANHANDLE PRODUCING
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 01/16/81 JA: TX			
8112805	27684	4210332201	103		W N WADDELL ET AL TR H NO 1148	LEA (SAN ANDRES)	8.0	EL PASO NATURAL GAS
-WARRIOR MANAGEMENT & QUANAH PET					RECEIVED: 01/16/81 JA: TX			
8112788	27596	4231131455	103		COUNTRYMAN NO 1 (89038)	BARRANCA (SLICK)	1825.0	TEXAS EASTERN TRANSM
-WILBROOK EXPLORATION INC					RECEIVED: 01/16/81 JA: TX			
8112791	27605	4213332440	103		BOB CARROLL NO 2 (15685)	JOSHUA (CONGLOMERATE)	20.0	LONE STAR GAS CO
8112789	27601	4214330604	103		EBERHART-JACKSON NO 1 (87548)	MORGAN MILL (MARBLE FALL	1000.0	SOUTHWESTERN GAS PIP
8112790	27602	4213331859	103		JUANITA MASSENGALE NO 1 (15155)	MASSENGALE (DUFFER)	130.0	LONE STAR GAS CO
-WINDSOR PRODUCING CO					RECEIVED: 01/16/81 JA: TX			
8112824	27724	4228730494	103		CAMERON #1	GIDDINGS (AUSTIN CHALK)	45.0	PGP GAS PRODUCTS INC
8112825	27726	4228730438	103		DUBE #2	GIDDINGS (AUSTIN CHALK)	1.0	PGP GAS PRODUCTS INC
8112826	27727	4228730425	103		DUBE #3	GIDDINGS (AUSTIN CHALK)	5.0	PGP GAS PRODUCTS INC
8112823	27723	4205130830	103		JACKSON #1	GIDDINGS (AUSTIN CHALK)	0.0	PGP GAS PRODUCTS INC
8112817	27712	4228730581	103		KING #1	GIDDINGS (AUSTIN CHALK)	225.0	PGP GAS PRODUCTS INC
8112816	27711	4228736332	103		KUEHN & CARPENTER #1	GIDDINGS (AUSTIN CHALK)	12.0	PGP GAS PRODUCTS INC
8112820	27720	4228730690	103		MARY ZONA #1	GIDDINGS (AUSTIN CHALK)	65.0	PGP GAS PRODUCTS INC
8112812	27705	4228730661	103		MUELLER #1	GIDDINGS (AUSTIN CHALK)	850.0	PGP GAS PRODUCTS INC
*8112814	27707	4223730555	103		ORANGE #1	GIDDINGS (AUSTIN CHALK)	75.0	PGP GAS PRODUCTS INC
8112818	27713	4228730531	103		ROADRUNNER #1	GIDDINGS (AUSTIN CHALK)	725.0	PGP GAS PRODUCTS INC
8112819	27715	4228730527	103		SCHULTZ #1	GIDDINGS (AUSTIN CHALK)	100.0	PGP GAS PRODUCTS INC
8112813	27706	4228730649	103		SELL #1	GIDDINGS (AUSTIN CHALK)	5.0	PGP GAS PRODUCTS INC
8112815	27708	4228730613	103		STELLA #1	GIDDINGS (AUSTIN CHALK)	175.0	PGP GAS PRODUCTS INC
8112822	27722	4228730719	103		WHYTE #1	GIDDINGS (AUSTIN CHALK)	150.0	PGP GAS PRODUCTS INC
8112821	27721	4205130399	103		YEGUA CREEK #1	GIDDINGS (AUSTIN CHALK)	150.0	PGP GAS PRODUCTS INC

OTHER PURCHASERS VOLUME NO 358

8112633	ASHLAND PETROLEUM CO
8112634	ASHLAND PETROLEUM CO
8112659	TEXAS UTILITIES FUEL COMPANY
8112699	AMOCO GAS CO
8112703	MID PLAINS PIPELINE CO
8112709	MID PLAINS PIPELINE CO
8112726	EL PASO NATURAL GAS CO
8112727	EL PASO NATURAL GAS CO
8112762	FERGUSON CROSSING PIPELINE CO
8112776	LONE STAR GAS CO
8112777	INTRATEX GAS CO
8112778	INTRATEX GAS CO
8112797	NATURAL GAS PIPELINE CO OF AMERICA
8112814	CLAJON GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Engery Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 27, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4932 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
TEXAS RAILROAD COMMISSION								
-A L SAUDER JR					RECEIVED: 01/14/81 JA: TX			
8112972	24059	4249700000	103		WAGGONER-WALKER UNIT #1	BOONSVILLE BEND (CONGL)	180.0	NATURAL GAS PIPELINE
-ADOBE OIL & GAS CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113048	26097	4222732030	103		LANGLEY #1	FLORAC (STRAWN)	32.0	
-AMERICAN PETROFINA COMPANY OF TEXAS					RECEIVED: 01/14/81 JA: TX			
8113166	27199	4210531681	108		BAGGETT C NO 3	BAGGETT (CLEARFORK)	5.0	NORTHERN NATURAL GAS
8113140	27096	4216730759	102		MACO STEWART UNIT NO 1	LEAGUE CITY (11800)	150.0	
-AMOCO PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8113151	27128	4210532814	103		ALLEANE FRIEND MCMULLAN C #1	WHITEHEAD (STRAWN)	60.2	LONE STAR GAS CO
8113258	27580	4227930231	103		ANTON IRISH CLEARFORK UNIT #433	ANTON IRISH	2.5	PIONEER NATURAL GAS
8113257	27579	4218930320	103		ANTON IRISH CLEARFORK UNIT #436	ANTON IRISH	1.6	PIONEER NATURAL GAS
8113259	27581	4230330589	103		ANTON IRISH CLEARFORK UNIT #443	ANTON IRISH	7.6	PIONEER NATURAL GAS
8113216	27417	4249531059	103		BLUE ESTATE #11	WHEELER (WOLFCAMP)	66.3	SHELL OIL COMPANY
8113150	27126	4207931234	103		DEAN B UNIT #150	SLAUGHTER	1.5	EL PASO NATURAL GAS
8113149	27125	4207931053	103		DEAN UNIT #27	SLAUGHTER	2.2	EL PASO NATURAL GAS
8112953	22753	4221932347	103		EAST RKM UNIT #80	SLAUGHTER	8.8	EL PASO NATURAL GAS
8113085	26742	4216931119	102		ELMO BUSH #1	POST WEST /STRAWN/	69.7	
8112956	22991	4220130771	103		FIRST NATIONAL BANK OF HOUSTON #12	HOUSTON SOUTH (OLIGOLENE	3.7	AMOCO GAS CO
8113219	27449	4239330737	103		G A MAHLER NO 3-U	N W MENDOTA (GRANITE WAS	132.0	MICHIGAN WISCONSIN P
8112952	22743	4235531454	103		G H MCCANN #36-T	LUBY/6050/	290.0	VALLEY GAS TRANSMISS
8112875	17000	4235730892	103		HANKER KAY NELL TRUST A WELL #2	ELLIS RANCH	183.0	TRANSWESTERN PIPELIN
8113273	29294	4239330689	103		J B WATERFIELD #2U	NW MENDOTA (GRANITE WASH	219.0	MICHIGAN WISCONSIN P
8112878	17017	4219530677	103		L W MATHEWS WELL #4	HANSFORD MIDDLE MORROW	329.0	NORTHERN NATURAL GAS
8113139	27094	4235700000	108		LEONE STEED NO 1	FARNSWORTH	1.1	PHILLIPS PETROLEUM C
8113078	26607	4221932885	103		LEVELLAND UNIT #756	LEVELLAND	8.3	EL PASO NATURAL GAS
8113077	26606	4221932869	103		LEVELLAND UNIT #757	LEVELLAND	0.8	EL PASO NATURAL GAS
8113076	26605	4221932872	103		LEVELLAND UNIT #765	LEVELLAND	4.4	EL PASO NATURAL GAS
8113220	27450	4229530783	103		LOIS HANKER A NO 4	BRADFORD TONKAWA	26.5	PHILLIPS PETROLEUM C
8112955	22986	4216730644	103		MACO STEWART A #17	GILLOCK (HUBLE FB-8)	3.6	AMOCO GAS CO
8113212	27413	4200331890	103		MIDLAND FARMS UNIT #396	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8113213	27414	4200331900	103		MIDLAND FARMS UNIT #397	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8113214	27415	4200331899	103		MIDLAND FARMS UNIT #399	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8113215	27416	4200331904	103		MIDLAND FARMS UNIT #401	MIDLAND FARMS	1.0	PIONEER NATURAL GAS
8112963	23360	4220330719	103		PATRICIA POPE WHALEY NO 1	WOODLAWN (COTTON VALLEY)	300.0	EAST TEXAS INDUSTRIA
8113050	26107	4249531117	103		SEALY SMITH FOUNDATION /A/ #47	MONAHANS E /PENN LO/	42.0	PIONEER NATURAL GAS
8113148	27124	4249531125	103		SEALY-SMITH FOUNDATION A #49	MONAHANS E (PENN LO)	16.1	PIONEER NATURAL GAS
8113084	26741	4216931077	102		SYLVIA WINDER #1	POST WEST (STRAWN)	109.9	
8113086	26743	4216931173	102		W W TERRY #1	POST WEST /STRAWN/	87.2	
-ARCO OIL AND GAS COMPANY					RECEIVED: 01/14/81 JA: TX			
8113141	27097	4223531526	103		J R SCOTT ESTATE 72 WELL NO 4	SPRABERRY TREND AREA	30.0	J L DAVIS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113142	27098	4223531527	103		J R SCOTT ESTATE 72 WELL NO 5	SPRABERRY TREND AREA	30.0	J L DAVIS
8112949	22500	4223300000	108		JOHNSON RANCH A NO P-1	WEST PANHANDLE GAS	18.0	PHILLIPS PETROLEUM C
8113053	26163	4221530977	103		R C PAGE GAS UNIT WELL #2	TABASCO	350.0	TENNESSEE GAS PIPELI
8113091	26807	4249531134	103		SEALY & SMITH UNIT WELL NO 7XU	HALLEY (PENNSYLVANIAN)	1.4	TRANSWESTERN PIPELIN
8112879	17124	4221530911	103		TEMPLE W WEST #28-L	TABASCO (R)	132.0	TENNESSEE GAS PIPE L
*8112934	21453	4250131599	103		WILLARD UNIT WELL #83-R	WASSON	7.3	SHELL OIL CO
-ARMOUR PROPERTIES					RECEIVED: 01/14/81 JA: TX			
8113055	26229	4206530720	103		BURNETT WELL NO 98-6	PANHANDLE CARSON COUNTY	65.7	PANHANDLE EASTERN PI
8113056	26230	4206530756	103		BURNETT WELL NO 98-7	PANHANDLE CARSON COUNTY	105.9	PANHANDLE EASTERN PI
-B & M OPERATING CO INC					RECEIVED: 01/14/81 JA: TX			
8112997	24913	4213134934	103		JACOB NO 1 ID 87973	NEELY (BRUNI LO)	180.0	VALERO TRANSMISSION
8112945	22367	4248100000	103		PIERCE ESTATE NO 1	BU RANCH (SEG D MARG)	180.0	FLORIDA GAS TRANSMIS
-BAR-MAC & HOLLUB DRILLING CO					RECEIVED: 01/14/81 JA: TX			
8113014	25369	4205100000	102		HARRELL #1 LEASE #13069	INEZ JAMESON (NAVARRO -A	37.0	FERGOSON CROSSING PI
-BARBEE & CO INC					RECEIVED: 01/14/81 JA: TX			
8113054	26206	4202531186	102		LENA DUGAT WELL NO 1	BARBEE (7200) FIELD	1100.0	DELHI GAS PIPELINE C
-BAY ROCK CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112982	24452	4229732041	103		#1 CRAWFORD-BROWN	RAY POINT SW (WILCOX SEG	96.0	VALERO TRANSMISSION
-BEN J TAYLOR					RECEIVED: 01/14/81 JA: TX			
8113028	25604	4233130878	103		KUBIAK DAN C 2	MINERVA-ROCKDALE	36.0	LONE STAR GAS CO
-BORDER EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
8113098	26857	4247932292	103		S G MARSHALL #1	VAQUILLAS RANCH	613.0	VALERO ENERGY CORP
-BURK ROYALTY CO					RECEIVED: 01/14/81 JA: TX			
8113156	27165	4210500000	108		HALFF BUSS #50289	FERGUS (GRAYBURG UP)	12.0	KIBO COMPRESSOR CORP
8113157	27166	4210500000	108		PROCTOR HARDING HALFF #47283	FERGUS (GRAYBURG UP)	14.0	KIBO COMPRESSOR CORP
-CASHCO ENERGY CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112935	21638	4218500000	102		H GRESSET NO 1	IOLA (GLEN ROSE B) FIELD	365.0	LONE STAR GAS CO
-CAVALLA ENERGY EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
8112938	21851	4235130320	103		HANKAMER NO 1 #86500	SABINE TRAM (COCKFIELD 5	73.0	TRUNKLINE GAS CO
8113167	27202	4260330150	103		STATE TRACT 629-S NO 1-#86656	SALURIA (3950)	127.8	DOW CHEMICAL CO
-CHAMPLIN EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8112967	23519	4228730579	103		CURTIS LEITKO #1	GIDDINGS (AUSTIN CHALK)	300.0	CLAJON GAS CO
8112968	23523	4205130627	103		STEGMUELLER #4	GIDDINGS (AUSTIN CHALK)	720.0	CLAJON GAS CO
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 01/14/81 JA: TX			
8113137	27087	4235531553	103		BERTRAM HEIRS NO 2	STRATTON (J-10)	328.5	TENNESSEE GAS PIPELI
8113136	27085	4243130879	103		I W TERRY NO 7	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8112909	20255	4220330605	102		LETOURNEAU #3	SABINE SE (COTTON VALLEY	335.0	HYDROCARBON TRANSFER
8112909	20255	4220330605	103		LETOURNEAU #3	SABINE SE (COTTON VALLEY	335.0	HYDROCARBON TRANSFER
-CHARLES M GREEN					RECEIVED: 01/14/81 JA: TX			
8112970	23676	4217500000	102		W G GEBBERT NO 1	SCHROEDER WEST (WILCOX 9	0.0	DELHI GAS PIPELINE C
-CIMMARON OIL CO INC					RECEIVED: 01/14/81 JA: TX			
8113007	25217	4222130577	102		LEACH-NICHOLS GU 87984	GRANBURY NE	675.2	ALEDO GAS CO LTD
8113064	26372	4222130606	102		NUTT #2	GRANBURY NE (MARBLE FALL	189.8	EMPIRE PIPE LINE COR
8113006	25216	4222130573	102		NUTT 1 87983	GRANBURY NE	547.5	ALEDO GAS CO LTD
8113005	25215	4222130576	102		TANTON 87982	GRANBURY NE	302.9	ALEDO GAS CO LTD
-CLAYTON W WILLIAMS JR					RECEIVED: 01/14/81 JA: TX			
8113152	27143	4236500000	103		HILLIN ESTATE #1	PINE HILL S E (RODESSA G	800.0	VALERO TRANSMISSION
-CLYDE HOUSTON					RECEIVED: 01/14/81 JA: TX			
8113169	27221	4213332263	103		MAYNARD #1 (16228)	FOSTER (MARBLE FALLS)	45.0	ODESSA NATURAL CORP
8113170	27222	4213331998	103		SIMPSON #1 (15420)	FOSTER (MARBLE FALLS)	4.6	ODESSA NATURAL CORP
-CNR RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8113269	27644	4248330707	103		LOTT #1-3	LOTT RANCH (MORROW-UPPER	200.0	COLORADO INTERSTATE

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-COLORADO INTERSTATE GAS CO					RECEIVED: 01/14/81 JA: TX			
8112916	20410	4234130553	108		MASTERSON 103R	WEST PANHANDLE (RED CAVE	10.0	COLORADO INTERSTATE
8112928	20887	4234130000	108		SNEED 11R	WEST PANHANDLE (RED CAVE	9.0	COLORADO INTERSTATE
-COLUMBIA GAS DEVELOPMENT CORP					RECEIVED: 01/14/81 JA: TX			
8113126	27074	4205130791	102		ROBERT T SEBASTA NO 1	GIDDINGS (AUSTIN CHALK)	70.0	FERGUSON CROSSING PI
-COMINCO AMERICAN INC					RECEIVED: 01/14/81 JA: TX			
8112946	22404	4235730956	103		HAWK #1	MCGEE (MORROW UPPER)	300.0	
-CONOCO INC					RECEIVED: 01/14/81 JA: TX			
8113182	27290	4250531171	103		B G GUTIERREZ NO 4 (88117)	HUNDIDO (LOBO)	180.0	HOUSTON PIPELINE CO
8113023	25499	4243300000	108		E H VIERTEL #3 ID #04187	ASPERMONT LAKE	0.7	CITIES SERVICE CO
8113024	25500	4211500000	108		EAST ACKERLY DEAN UNIT #39	ACKERLY	0.9	TEXACO INC
8113022	25498	4238900000	108		FORD GERALDINE UNIT #118 ID #21021	GERALDINE FORD	0.8	EL PASO NATURAL GAS
8113021	25497	4238900000	108		FORD GERALDINE UNIT #206 ID #21021	GERALDINE FORD	1.6	EL PASO NATURAL GAS
8112985	24537	4238900000	108		FORD GERALDINE UNIT #245 ID #21021	GERALDINE FORD	0.2	EL PASO NATURAL GAS
8113147	27115	4250531170	103		G G DECARREON NO 2 (87825)	HUNDIDO (LOBO)	72.0	HOUSTON PIPELINE CO
8113020	25495	4213500000	108		GIST UNIT #53 ID #19373	FOSTER	0.1	ODESSA NATURAL CORP
8113183	27291	4212731589	103		J S MYERS ET AL 54 04400	PENA CREEK (SAN MIGUEL 3	10.0	VALERO TRANSMISSION
8113018	25493	4215100000	108		ROUND TOP PALO PINTO UNIT #114	ROUND TOP	0.4	LONE STAR GAS CO
8113019	25494	4215100000	108		ROUND TOP PALO PINTO UNIT #5	ROUND TOP	1.1	LONE STAR GAS CO
8112966	23460	4242731351	102		T B SLICK EST A NO 155	RINCON (VICKSBURG 6580)	73.0	TENNESSEE GAS PIPELI
8113041	26073	4242731436	103		T B SLICK EST B NO 163-U	RINCON (8-2 FRIO)	1.2	TENNESSEE GAS PIPELI
8113017	25490	4200300000	108		WEST FUHRMAN-MASCHO UNIT #3	FUHRMAN-MASCHO	0.2	PHILLIPS PETROLEUM C
-CONSOLIDATED OIL & GAS INC					RECEIVED: 01/14/81 JA: TX			
8113095	26818	4247930793	108		ZACHRY #3-A	LAREDO (LOBO)	6.5	DELHI GAS PIPELINE C
8113094	26817	4247931765	108		ZACHRY #9	LAREDO (LOBO)	13.0	DELHI GAS PIPELINE C
-COQUINA OIL CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113119	27044	4238300000	103		PETTIT A #5	SPRABERRY	14.0	EL PASO NATURAL GAS
-CORNELL OIL CO					RECEIVED: 01/14/81 JA: TX			
*8113060	26319	4250100000	103		CORNELL UNIT NO 3039	WASSON FIELD/SAN ANDRES	30.0	SHELL OIL CO
-COTTON PETROLEUM CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113227	27499	4229530796	103		KEMP A NO 1	DARROUZETT/TONKAWA	15.0	PHILLIPS PETROLEUM C
-CRAMPTON & DENNIS					RECEIVED: 01/14/81 JA: TX			
8113164	27192	4239931575	103		BAILEY INTERCONTINENTAL PROD CO #1	COCKATOO (GARDNER)	0.0	UNION TEXAS PETROLEU
-CRYSTAL OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112942	22163	4248930608	103		PHOEBIE HENDRICKS #1	NILE	113.0	NATURAL GAS PIPELINE
-CUMMINS & WALKER OIL CO INC					RECEIVED: 01/14/81 JA: TX			
8112976	24193	4221500000	103		V L CONRAD NO 1	CANO-MEXICO (8550) (PROP	275.0	INTERSTATE GATHERING
8112977	24194	4221500000	102		V L CONRAD NO 1	CANO-MEXICO (8550) (PROP	275.0	
-D & G GAS OIL CO					RECEIVED: 01/14/81 JA: TX			
8113090	26789	4231131448	102		SOUTH TEXAS SYNDICATE NO 1-9	SYNDICATE (5400)	110.0	VALERO TRANSMISSION
-D/FW OIL & GAS INC					RECEIVED: 01/14/81 JA: TX			
8112948	22498	4239931434	102		BRYAN NO 1	WINGATE WEST (GARDNER)	109.5	LONE STAR GAS CO
8112948	22498	4239931434	103		BRYAN NO 1	WINGATE WEST (GARDNER)	109.5	LONE STAR GAS CO
-DALECO RESOURCES					RECEIVED: 01/14/81 JA: TX			
8112923	20546	4203900000	103		TOM MOORE NO 1	WESTLANDS (AUSTIN CHALK	0.0	
-DAVID ALBERT OIL & GAS					RECEIVED: 01/14/81 JA: TX			
8113099	26893	4223732144	108		CRANFORD 2A	JACK COUNTY REGULAR - GA	19.0	CITIES SERVICE CO
-DAVIS OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112989	24660	4200130935	102		M W WORLEY #1	WILDCAT	548.0	UNITED GAS PIPELINE
-DELTA DRILLING CO					RECEIVED: 01/14/81 JA: TX			
8113087	26752	4210500000	108		COUCH 10 #4 ID #62567	OZONA (CANYON SAND)	20.7	NORTHERN NATURAL GAS
8113009	25263	4210500000	108		HELBING 18 #1 ID #42931	OZONA (CANYON SAND)	0.0	NORTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112910	20325	4234100000	108		BRUMLEY-SUNRAY NO 1	PANHANDLE WEST	13.0	NORTHERN NATURAL GAS
8112911	20326	4233900000	108		COFFEE A NO 1	PANHANDLE WEST	15.0	NORTHERN NATURAL GAS
8112913	20328	4242100000	108		KEENER ET AL NO 1	TEXAS HUGOTON	15.0	NORTHERN NATURAL GAS
8113089	26774	4235700000	108		ODC NO 2-9	SPICER	12.0	
8112915	20358	4225500000	108		R C MALLETT ET AL 1-L AND 1-U	HANSFORD	10.0	SOUTHWESTERN PUBLIC
8113103	26919	4235700000	108		RAY CHASE NO 2	FARNSWORTH-CONNER	0.0	
8113102	26918	4235700000	108		RAY CHASE NO 3	FARNSWORTH-CONNER	0.0	
8113101	26917	4235700000	108		RAY CHASE NO 4	FARNSWORTH-CONNER	0.0	
8112912	20327	4242100000	108		SARAH CLAYBAUGH NO 1	TEXAS HUGOTON	14.0	NORTHERN NATURAL GAS
8113221	27452	4229530842	103		SUSAN J MARTIN NO 2	BRADFORD	127.0	
8112914	20335	4234100000	108		W W BURNETT NO 1	PANHANDLE WEST	9.0	NORTHERN NATURAL GAS
-DORCHESTER EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8112994	24812	4243130816	103		TERRY 15 NO 2 RRC ID#25919	CONGER (PENN)	0.0	ESPERANZA PIPELINE C
-ENRE CORP					RECEIVED: 01/14/81 JA: TX			
8112995	24889	4242932127	102		LILLIE BELLE THOMPSON NO 1 (87912)	LILLY BELL (CONGL)	400.0	WARREN PETROLEUM CO
8112996	24911	4249731611	102		POTTER NO 1 (87187)	MONTEATH (CONGL)	180.0	TEXAS UTILITIES FUEL
-ENSERCH EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8113121	27052	4219730312	103		C J GILLIAM NO 4	RED RIVER	18.0	SHELL OIL CO
8113187	27296	4249731729	103		H P CRAWFORD NO 2	BOONSVILLE	400.0	LONE STAR GAS CO
8113217	27419	4249731870	103		W H DAGGETT UNIT A-1 NC 2	BOONSVILLE	1140.0	LONE STAR GAS CO
-ESENJAY PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8112974	24113	4202531194	102		JOYCE NOLEN NO 1-C	BLANCONIA (4450)	300.0	UNITED GAS PIPELINE
8112974	24113	4202531194	103		JOYCE NOLEN NO 1-C	BLANCONIA (4450)	300.0	UNITED GAS PIPELINE
8113039	26017	4239131404	103		ROSE FRICKE NO 1	BOEHM (5300)	46.0	UNITED GAS PIPELINE
-EXXON CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113127	27075	4226130536	103		C M ARMSTRONG 58-D (88903)	CANDELARIA (I-45)	325.0	NATURAL GAS PIPELINE
8112959	23102	4233930467	103		CONROE FIELD UNIT #1626	CONROE	219.0	MORAN UTILITIES
8112931	21387	4233930470	103		CONROE FIELD UNIT #1933	CONROE	45.0	MORAN UTILITIES
8112925	20604	4233930466	103		CONROE FIELD UNIT #2811	CONROE FIELD	22.0	MORAN UTILITIES CO
8112924	20602	4233930461	103		CONROE FIELD UNIT #3011	CONROE FIELD	90.0	MORAN UTILITIES
8112930	21386	4233930456	103		CONROE FIELD UNIT #3529	CONROE	180.0	MORAN UTILITIES
8112926	20605	4233930446	103		CONROE FIELD UNIT #3811	CONROE	180.0	MORAN UTILITIES
8113010	25265	4242731393	103		E BLOCK HEIRS B-2 (88284)	SUN WEST (8800)	295.0	TENNESSEE GAS PIPELI
8113198	27370	4216531782	103		EUBANKS CLEARFORK UNIT #15	ROBERTSON N (CLEARFORK 7	1.4	PHILLIPS PETROLEUM C
8113207	27382	4237132889	103		FORT STOCKTON UNIT #816	FORT STOCKTON	29.0	NUECES CO
8113202	27374	4210331802	103		J B TUBB A/C 1 #142L	SAND HILLS (MCKNIGHT)	8.0	ODESSA NATURAL CORP
8113197	27369	4210331882	103		J B TUBB A/C 1 #143	SAND HILLS (JUDKINS)	166.0	ODESSA NATURAL CORP
8113201	27373	4210331841	103		J B TUBB A/C 1 #146L	SAND HILLS (TUBB)	5.0	ODESSA NATURAL CORP
8113205	27378	4210332300	103		J B TUBB A/C 1 #221L	SAND HILLS (TUBB)	20.0	EL PASO NATURAL GAS
8113206	27380	4210332309	103		J B TUBB A/C 1 #224L	SAND HILLS (TUBB)	21.0	EL PASO NATURAL GAS
8113200	27372	4210331753	103		J B TUBB A/C-1 #140U	SAND HILLS (JUDKINS)	15.0	ODESSA NATURAL CORP
8113199	27371	4210331802	103		J B TUBB A/C-1 #142U	SAND HILLS (JUDKINS)	111.0	ODESSA NATURAL CORP
8113057	26263	4210332234	103		J B TUBB F #19L	SAND HILLS (TUBB)	31.0	EL PASO NATURAL GAS
8113125	27073	4231131342	103		J C DILWORTH JR #15 #87193	DILWORTH (EDWARDS LIME)	277.0	TRANSCONTINENTAL PIP
8113184	27293	4204730800	103		SANTA FE RANCH 56-D (88815)	SANTA FE EAST (MASSIVE 1	183.0	NATURAL GAS PIPELINE
8113223	27488	4204730837	103		SANTA FE RANCH 65 (89113)	SANTA FE EAST (MASSIVE 1	183.0	NATURAL GAS PIPELINE
-FOREST OIL CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113036	25842	4230130223	107		ANNA K 44-1	ANNA K ATOKA	1396.0	VALERO TRANSMISSION
-FOY BOYD MANAGEMENT CORP					RECEIVED: 01/14/81 JA: TX			
8113211	27412	4247532137	103		PITZER #3	PITZER N (CHERRY CANYON)	100.0	NORTHERN NATURAL GAS
-GARY D TURNER DBA TURNER PROPERTIES					RECEIVED: 01/14/81 JA: TX			
8113025	25506	4243100000	103		TURNER PROPERTIES COPELAND NO 2	JAMESON (STRAWN)	0.0	SUN GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
-GENERAL PRODUCTION CORP					RECEIVED: 01/14/81 JA: TX			
8113155	27156	4205130885	103		JAMES HARGROVE NO 2	WILLARD (NAVARRO)	67.0	FERGUSON CROSSING PI
8113038	26016	4205130622	103		JONES-LEWIS NO 4	INEZ JAMESON (NAVARRO) F	41.0	FERGUSON CROSSING PI
-GENESIS PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8113116	27005	4213134440	102		LOONEY WELL NO 1 LSE NO 09571	STARR BRITE M (5850)	0.0	
-GETTY OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112867	03943	4202500000	108		C P SPARKMAN #2	NORTH MINERAL	19.0	TEXAS EASTERN TRANS
8113264	27622	4223330875	103		CROSBY & HATCHER NO 12	PANHANDLE HUTCHINSON	8.0	J M HUBER CORP
8112951	22602	4236530929	103		DEADWOOD UNIT #2	CARTHAGE (COTTON VALLEY)	277.0	DELHI GAS PIPELINE C
8113002	25169	4223330756	103		HERRING A TRACT 2 #94	PANHANDLE HUTCHINSON	19.3	PANHANDLE EASTERN PL
8112950	22601	4236530955	103		LAGRONE-JETER NC 2	CARTHAGE (COTTON VALLEY)	275.0	DELHI GAS PIPELINE C
8112944	22286	4217930664	103		NORTH JACKSON #8	WEST PANHANDLE	18.0	PHILLIPS PETROLEUM C
8112957	23021	4200730636	102		SOUTH ROCKPORT GAS #1	TALLEY ISLAND	685.0	VALERO TRANSMISSION
8112957	23021	4200730636	103		SOUTH ROCKPORT GAS #1	TALLEY ISLAND	685.0	VALERO TRANSMISSION
8112964	23366	4200730628	102		T S T 196-197 UNIT 2 NC 1 RRC	TALLEY ISLAND	724.0	VALERO TRANSMISSION
-GULF COAST MINERALS CO INC					RECEIVED: 01/14/81 JA: TX			
8112998	24972	4213133960	102		RENE MARTINEZ NO 4	CADENA (2000)	730.0	UNITED GAS PIPELINE
-GULF OIL CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113154	27145	4238931062	103		NORMA SHERMAN WELL NO 1	SCOTT (DELAWARE)	43.0	
-GUNN OIL CO					RECEIVED: 01/14/81 JA: TX			
8112987	24593	4226930863	102		BURNETT S B ESTATE Q 1	TOM (B CONGL) FIELD	0.0	LONE STAR GAS CO
8112932	21392	4226900000	103		T B MASTERSON NO 1 WELL	TOM (B CONGL) FIELD	300.0	LONE STAR GAS CO
-GUS EDWARDS CO					RECEIVED: 01/14/81 JA: TX			
8113011	25283	4205100000	102		KORKMAS UNIT WELL NO 1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-H L BROWN JR					RECEIVED: 01/14/81 JA: TX			
8113027	25577	4207931238	103		JACK FROST B NO 5 WELL #62830	BUCKSHOT (4950)	45.0	WARREN PETROLEUM CO
-H V RISIEN					RECEIVED: 01/14/81 JA: TX			
8112993	24769	4212331053	102		JACOB PURCELL #2	WILDCAT	98.0	VALERO ENERGY CORP
-HALVEY ENERGY CO					RECEIVED: 01/14/81 JA: TX			
8113153	27144	4243130871	103		MUNN #1	JAMESON (STRAWN)	800.0	SUN GAS CO
-HANOVER MANAGEMENT CO					RECEIVED: 01/14/81 JA: TX			
8113222	27486	4249731667	103		W J RIGGS #1	ALVORD (ATOKA 6400)	73.0	NATURAL GAS PIPELINE
-HARKEN OIL & GAS INCORP					RECEIVED: 01/14/81 JA: TX			
8113059	26309	4214330393	103		DAVID S TAYLOR #1	MORGAN MILL (MARBLE FALL	225.0	ENERGY PIPELINE CORP
8113068	26449	4214330392	103		QUARLES #1	SAP OAK (DUFFER)	100.0	NORTHERN GAS PRODUCT
8113067	26448	4214330429	103		QUARLES C #1	LIBERTY OAK (BIG SALINE)	78.0	NORTHERN GAS PRODUCT
-HAROLD STOVALL					RECEIVED: 01/14/81 JA: TX			
8112874	15259	4240100000	108		M KANGERGA & BROS NO 1	HENDERSON	4.8	LONE STAR GAS CO
-HENRY PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8113034	25832	4231700000	103		MABEE A #1	SPRABERRY (TREND AREA-DE	0.0	PHILLIPS PETROLEUM C
-HIGHLAND RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8112975	24176	4235531340	102		STATE TRACT 21 WELL NO 1	CORPUS CHANNEL (8350)	730.0	HOUSTON PIPE LINE CO
-HINTON PRODUCTION COMPANY					RECEIVED: 01/14/81 JA: TX			
8113037	25859	4237330433	102		DORRANCE NO 7A 83222	DAMASCUS (WOODBINE 9330)	713.0	ST REGIS PAPER CO
-HNG OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8113236	27539	4247532135	103		TEXFEL 103 #5 88826	PITZER (DELAWARE)	707.0	CLAJON GAS CO
-HOLLY ENERGY INC					RECEIVED: 01/14/81 JA: TX			
8112969	23621	4217500000	102		PETTUS ESTATE NO 1	DALLAS HUSKY NE (MASSIVE	350.0	TRANSCONTINENTAL GAS
8112969	23621	4217500000	103		PETTUS ESTATE NO 1	DALLAS HUSKY NE (MASSIVE	350.0	TRANSCONTINENTAL GAS
-HONDO PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8113189	27313	4206500000	108		BARNARD #3	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
8113190	27314	4206500000	108		BARNARD #4	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
3113191	27315	4206500000	108		BARNARD #5	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
3113192	27316	4206500000	108		BARNARD #6	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
3113193	27317	4206500000	108		BARNARD #7	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
3113194	27318	4206500000	108		BARNARD #8	WEST PANHANDLE FIELD	10.0	NORTHERN NATURAL GAS
-HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 01/14/81 JA: TX			
3113138	27093	4238331523	103		ROACH #1	CALVIN (DEAN)	80.0	UNION TEXAS PETROLEU
-HOWELL DRILLING INC					RECEIVED: 01/14/81 JA: TX			
3113040	26023	4212331068	103		FELIX KOENIG NO 2 G U WELL NO 2	ANNA BARRE N	700.0	TEXAS EASTERN TRANSM
-HUMBLE EXPLORATION CO INC					RECEIVED: 01/14/81 JA: TX			
3112905	19241	4228730524	102		CLEOPATRA #1 - 85371	GIDDINGS-AUSTIN CHALK-GA	1467.0	PHILLIPS PETROLEUM C
3112905	19241	4228730524	103		CLEOPATRA #1 - 85371	GIDDINGS-AUSTIN CHALK-GA	1467.0	PHILLIPS PETROLEUM C
-INDEPENDENT EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
3113000	25057	4236731621	102		HARRISON #3 84818	BUCKNER (STRAWN)	173.0	JAMES P DUNIGAN INC
3112980	24294	4236731521	102		HAYTER #1 86635	BUCKNER (STRAWN)	156.0	JAMES P DUNIGAN INC
3112979	24293	4236731689	102		NASH #2 87138	BUCKNER (STRAWN)	73.0	JAMES P DUNIGAN
-INDIAN WELLS OIL CO					RECEIVED: 01/14/81 JA: TX			
3113159	27174	4210532457	103		ROBERTSON 2-3	OZONA (CANYON SAND)	90.0	DELHI GAS PIPELINE C
3113158	27173	4210532456	103		ROBERTSON 3-1	OZONA (CANYON SAND)	110.0	DELHI GAS PIPELINE C
-INTEGRAL ENERGY CORP					RECEIVED: 01/14/81 JA: TX			
3112898	17788	4232100000	103		STATE TRACT 179 #2-A	MATAGORDA BAY NE (MIOCEN	550.0	DOW CHEMICAL CO
-J M HUBER CORPORATION					RECEIVED: 01/14/81 JA: TX			
3113168	27214	4239330704	103		HODGES G NO 193-1	HODGES (MORROW MIDDLE)	450.0	PHILLIPS PETROLEUM C
-JAH INC					RECEIVED: 01/14/81 JA: TX			
3113092	26811	4213134784	102		DANSFIELL #2	SOUTH REALITOS FIELD	150.0	
-JAMES K ANDERSON INC					RECEIVED: 01/14/81 JA: TX			
3113096	26846	4239931605	102		CARR D #1	CECILE SOUTH	300.0	UNION TEXAS PETROLEU
3113062	26324	4239931580	103		LISSO D NO 1	ENOCH JOHNSON	25.0	UNION TEXAS PETROLEU
-JOHN H HENDRIX CORPORATION					RECEIVED: 01/14/81 JA: TX			
3112988	24655	4237132986	102		MONROE #1	THIGPEN (DEVONIAN)	365.0	W WILSON CORP
3112988	24655	4237132986	103		MONROE #1	THIGPEN (DEVONIAN)	365.0	W WILSON CORP
-JOHN L COX					RECEIVED: 01/14/81 JA: TX			
3113185	27294	4232930887	103		KEMPER #1 RRC #26022	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
3113186	27295	4232930888	103		KEMPER #2 RRC #26022	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
3113051	26108	4231732178	103		MABEE RANCH B #1	LACAFF (DEAN)	10.0	NORTHERN NATURAL GAS
-J3 OIL CO INC					RECEIVED: 01/14/81 JA: TX			
3112984	24484	4239131374	102		HYNES MINERAL TRUST B #1-C	REFUGIO-FOX (3050)	37.6	UNITED GAS PIPELINE
3112984	24484	4239131374	103		HYNES MINERAL TRUST B #1-C	REFUGIO-FOX (3050)	37.6	UNITED GAS PIPELINE
-K-B EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
3113008	25239	4203931505	102		J E PRICE UNIT WELL NO 1	ROWAN NW (10260)	300.0	HOUSTON PIPE LINE CO
-KEITH D GRAHAM					RECEIVED: 01/14/81 JA: TX			
3113047	26090	4205130713	102		CATHERS NO 1 ID-13002	GIDDINGS (AUSTIN CHALK)	127.1	CLAJON GAS CO
3113044	26087	4205130742	102		HCW #4 - ID 12918	GIDDINGS (AUSTIN CHALK)	122.5	CLAJON GAS CO
3113042	26085	4205130745	102		JOHNSON-TELG UNIT #1 ID-13095	GIDDINGS (AUSTIN CHALK)	138.7	CHAMPLIN PETROLEUM C
3113046	26089	4205130729	102		MARY LEE NO 1 ID-13084	GIDDINGS (AUSTIN CHALK)	115.2	CLAJON GAS CO
3113097	26855	4205130836	102		OSCAR E TELG #4 ID-12870	GIDDINGS (AUSTIN CHALK)	229.9	CHAMPLIN PETROLEUM C
3113045	26088	4205130799	102		RHODES NO 1	GIDDINGS (AUSTIN CHALK)	116.8	CHAMPLIN PETROLEUM C
3113043	26086	4205230677	102		SCHULTZ ESTATE #1 ID-13107	GIDDINGS (AUSTIN CHALK)	97.1	CHAMPLIN PETROLEUM C
-KILLAM & HURD LTD					RECEIVED: 01/14/81 JA: TX			
3112940	22082	4247932471	102		BRUNI-KILLAM MINERAL FEE 1-9	GLEN NORTH (PETTUS) FIEL	92.0	
-KILROY CO OF TEXAS					RECEIVED: 01/14/81 JA: TX			
3113093	26813	4217531269	102		SERENA HOFF #1	SIGMAN (WILCOX 9200)	0.0	TRANSCONTINENTAL GAS
-L & M OIL CO					RECEIVED: 01/14/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113052	26148	4249700000	103		COX-HERRIOTT 19960	ALVORD	125.0	TEXAS UTILITIES FUEL
8113061	26323	4236731885	103		GORDON UNIT 1-A #1A	RENO (CONGL)	144.0	SOUTHWESTERN GAS PIP
-L TEXAS INC					RECEIVED: 01/14/81 JA: TX			
8113029	25661	4217531278	102		JAMES M BOWER #1 87559	CHARCO S/YEGUA 4300	150.0	VALERO TRANSMISSION
-LEAR PETROLEUM CORPORATION					RECEIVED: 01/14/81 JA: TX			
*8112894	17415	4229530000	102		BOWDLE NO 3	LEAR (MORROW UPPER)	146.0	NORTHERN NATURAL GAS
8113004	25199	4239530220	102		FLOYD TURNER NO 1	N BALD PRAIRIE	100.0	UNITED TEXAS TRANSMI
-LOUIS A NEMITT					RECEIVED: 01/14/81 JA: TX			
8112876	17009	4208931040	102		JUSTINE KORENEK NO 3	LYDIA (3575)	1067.0	LONE STAR GAS CO
-M M MILLER & SONS					RECEIVED: 01/14/81 JA: TX			
8113109	26963	4213132960	102		MILLER FEE WELL NO 25	LONGHORN (HIAWATHA) FIEL	70.0	TRANSCONTINENTAL GAS
8113108	26962	4213134740	102		MILLER FEE WELL NO 26	LONGHORN (PETTUS) FIELD	20.0	TRANSCONTINENTAL GAS
8113108	26962	4213134740	103		MILLER FEE WELL NO 26	LONGHORN (PETTUS) FIELD	20.0	TRANSCONTINENTAL GAS
-MADDUX OIL & GAS					RECEIVED: 01/14/81 JA: TX			
8113079	26644	4236731882	103		L T CLARK NO 1	KIDD UPPER STRAWN	91.0	SOUTHWESTERN GAS PIP
-MAGNUM RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8113031	25689	4250333758	103		WRAGG B 1	KNOX	54.0	SUN GAS GATHERING CO
-MAY PETROLEUM INC					RECEIVED: 01/14/81 JA: TX			
8113088	26754	4229530827	102		TERRELL #1 (88793)	MAY (BASAL MORROW)	1825.0	DIAMOND SHAMROCK COR
-MEMBOURNE OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8113174	27271	4229530809	103		GENEVIEVE NOWLIN UNIT #2	S W LIPSCOMB (CLEVELAND)	100.0	NORTHERN NATURAL GAS
-MIDWAY OIL CORP					RECEIVED: 01/14/81 JA: TX			
8112978	24272	4205130455	102		GOLD-PERTL UNIT NO 1 (12821)	CALDWELL (AUSTIN CHALK)	233.0	CLAJON GAS CO
8112978	24272	4205130455	103		GOLD-PERTL UNIT NO 1 (12821)	CALDWELL (AUSTIN CHALK)	233.0	CLAJON GAS CO
-MITCHELL ENERGY CORPORATION					RECEIVED: 01/14/81 JA: TX			
8112960	23174	4249731586	103		ELLA BARKSDALE #2L	LEFTWICK (UPPER ATOKA CO	139.3	NATURAL GAS PIPELINE
-MOBIL OIL EXPLORATION & PROD S E					RECEIVED: 01/14/81 JA: TX			
8113176	27276	4233531693	103		MARY FOSTER NO 136	IATAN EAST HOWARD	0.4	GETTY OIL CO
8113175	27274	4233531751	103		MARY FOSTER NO 141	ITAN EAST HOWARD	4.0	GETTY OIL CO
-MOBIL PRDG TEXAS & NEW MEXICO INC					RECEIVED: 01/14/81 JA: TX			
8112971	23944	4244330223	102		B F FOSTER ET AL NO 1-A	WOLF SPRINGS(PENN)	219.0	EL PASO NATURAL GAS
8113030	25682	4213100000	108		HAHL-WEBB UNIT NO 1	NORTH GOVERNMENT WELLS	1.5	TENNESSEE GAS PIPELI
8113107	26958	4247532111	103		STATE AK NO 5	CAPRITO (DELAWARE MIDDLE	374.5	LONE STAR GAS CO
8113106	26957	4247532112	103		STATE AL NO 2	CAPRITO (DELAWARE MIDDLE	367.2	LONE STAR GAS CO
8113105	26955	4247532113	103		STATE AL NO 3	CAPRITO (DELAWARE MIDDLE	40.5	LONE STAR GAS CO
-MOORE MCCORMACK OIL & GAS CORP					RECEIVED: 01/14/81 JA: TX			
8113015	25436	4217531358	103		V ALBRECHT #26	ALBRECHT S (3050)	912.5	LONE STAR GAS CO
-MORAN EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8113268	27636	4238300000	108		CREER ESTATE #1	SPRABERRY (TREND AREA)	16.8	EL PASO NATURAL GAS
8113267	27634	4238300000	108		CREER ESTATE #2	SPRABERRY (TREND AREA)	18.3	EL PASO NATURAL GAS
8113266	27631	4216531191	108		KING #1	LOOP N E (YATES)	17.2	NORTHERN NATURAL GAS
8113265	27630	4238330253	108		ROCKER B -B- #2	SPRABERRY (TREND AREA)	0.7	NORTHERN NATURAL GAS
8113065	26398	4223530354	108		ROCKER B -O- WELL NO 4	SPRABERRY (TREND AREA)	2.2	NORTHERN NATURAL GAS
-MURPHY H BAXTER					RECEIVED: 01/14/81 JA: TX			
8113118	27025	4221330264	102		JOHNSON NO 1 RRC ID NO 88923	LAKE TRINIDAD (RODESSA)	0.0	
-MWJ PRODUCING COMPANY					RECEIVED: 01/14/81 JA: TX			
8113143	27102	4217331015	103		TXL 23 #2	SPRABERRY TREND AREA	57.0	TEXACO INC
-NATURAL GAS ANADARKO INC					RECEIVED: 01/14/81 JA: TX			
8113013	25308	4235730975	102		CONLEY #1-315		270.0	TRANSWESTERN PIPELIN
-NUCORP ENERGY INC					RECEIVED: 01/14/81 JA: TX			
8112973	24106	4228730647	102		GINGER UNIT #1	GIDDINGS (AUSTIN CHALK)	0.0	CLAJON GAS CO
-OCEAN TRACE EXPLORATION					RECEIVED: 01/14/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113026	25531	4228700000	102		CARRIE MCCAIN ET AL UNIT #1	GIDDINGS FIELD	131.4	CLAJON GAS CO
-OVERLY OPERATING CO					RECEIVED: 01/14/81 JA: TX			
8113058	26294	4217531305	103		URBAN-FOERSTER UNIT WELL NO 1	POEHLER (SLICK WILCOX) 8	90.0	UNITED GAS PIPELINE
-OXY PETROLEUM INC					RECEIVED: 01/14/81 JA: TX			
*8112958	23062	4237132586	107		SABINE NO 1	EAST GOMEZ	385.0	TEXAS UTILITIES FUEL
-PAN-TEX PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8112954	22835	4207700000	108		I H MCVICKER #1-T #21259	BOWIE SW (ATOKA CONGL TH	13.0	CITIES SERVICE CO
-PARAFFINE OIL CORP					RECEIVED: 01/14/81 JA: TX			
8113171	27226	4246931572	103		KEERAN B NO 1	KEERAN EAST (7180)	52.0	FLORIDA GAS TRANSMIS
-PATRICK PETROLEUM CORP (MI)					RECEIVED: 01/14/81 JA: TX			
8112939	21991	4200130925	102		M J OWENS NO 1	OWENS CREEK	365.0	
-PAUL D FRIEREL & ASSOCIATES INC					RECEIVED: 01/14/81 JA: TX			
8113003	25184	4200332036	103		THORNBERRY NO 1 WELL #25677	FUHRMAN-MASCHO (GRAYBURG	2.2	PHILLIPS PETROLEUM C
8113204	27377	4200332342	103		THORNBERRY 4 NO 3 #25677	FUHRMAN-MASCHO	12.7	PHILLIPS PETROLEUM C
8113203	27376	4200332356	103		THORNBERRY 5 NO 1 26073	FUHRMAN-MASCHO	54.7	PHILLIPS PETROLEUM C
-PAUL L MILLER					RECEIVED: 01/14/81 JA: TX			
8113254	27575	4207300000	108		CHILES NO 1	WILDCAT - TROUP FIELD	0.0	UNITED GAS PIPE LINE
-PENNZOIL PRODUCING COMPANY					RECEIVED: 01/14/81 JA: TX			
8113075	26600	4250531209	102		ANTONIO M VELA NO C-1	EL GRULLO (6760)	438.0	
8113074	26599	4232130980	102		THE STATE OF TEXAS TRACT 195 NO 1	MATAGORDA BAY NE BLOCK 1	547.0	
-PETROLEUM CORPORATION OF TEXAS					RECEIVED: 01/14/81 JA: TX			
8113228	27517	4210531860	103		UNIVERSITY GREAT PLAINS #7	FARMER (SAN ANDRES)	109.5	J L DAVIS
8113231	27521	4210531634	103		UNIVERSITY GREAT PLAINS B #5	FARMER (SAN ANDRES)	10.9	J L DAVIS
8113234	27524	4210531640	103		UNIVERSITY GREAT PLAINS B #6	FARMER (SAN ANDRES)	43.8	J L DAVIS
8113235	27525	4210531861	103		UNIVERSITY GREAT PLAINS B #8	FARMER (SAN ANDRES)	12.7	J L DAVIS
8113230	27519	4210532675	103		UNIVERSITY PHILLIPS #15	FARMER (SAN ANDRES)	0.3	J L DAVIS
8113229	27518	4210532674	103		UNIVERSITY PHILLIPS #16	FARMER (SAN ANDRES)	0.3	J L DAVIS
8113232	27522	4210531592	103		UNIVERSITY WARREN #7	FARMER (SAN ANDRES)	43.8	J L DAVIS
8113233	27523	4210531593	103		UNIVERSITY WARREN #8	FARMER (SAN ANDRES)	43.8	J L DAVIS
-PETROMARK MINERALS INC					RECEIVED: 01/14/81 JA: TX			
8113016	25461	4214930362	102		SEALE UNIT NO 1	GIDDINGS (AUSTIN CHALK)	24.0	PHILLIPS PETROLEUM C
8113016	25461	4214930362	103		SEALE UNIT NO 1	GIDDINGS (AUSTIN CHALK)	24.0	PHILLIPS PETROLEUM C
-PETROTEX MANAGEMENT CO					RECEIVED: 01/14/81 JA: TX			
8113001	25081	4246931533	102		PHIL MARTHILJOHNI ID 88201	ANAQUA (5000) (PROPOSED)	50.0	NATURAL GAS PIPELINE
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 01/14/81 JA: TX			
8113104	26953	4234100000	108		BERAW NO 1	WEST PANHANDLE	0.0	EL PASO NATURAL GAS
8112908	19518	4242100000	108		RENNER #1	TEXAS HUGOTON	21.0	MICHIGAN WISCONSIN P
8112907	19515	4219500000	108		SAL #1	TEXAS HUGOTON	21.0	MICHIGAN WISCONSIN P
8113114	26998	4242130244	103		TIBBETTS A #1	TEXAS HUGOTON	30.0	MICHIGAN WISCONSIN P
-PIONEER PRODUCTION CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113035	25838	4229500000	108		GEX UNIT #1	MAMMOTH CREEK N (CLEVELA	16.5	NORTHERN NATURAL GAS
-PLACID OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112941	22098	4201530417	102		EMMA KOLLATSCHNY #1	CAT SPRINGS (MIDWAY)	365.0	TRUNKLINE GAS CO
-POLK & PATTON INC					RECEIVED: 01/14/81 JA: TX			
8113115	27000	4236731752	102		LINDSAY UNIT #1	CABBAGE PATCH (BIG SALIN	963.6	SOUTHWESTERN GAS PIP
-PTL PRODUCTION INC					RECEIVED: 01/14/81 JA: TX			
8112990	24661	4250300000	103		CAUDILL #19956	GENESIS (3200)	1095.0	SUN GAS GATHERING CO
-QUINTEX PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8113120	27047	4203931537	103		SHARP CORPORATION WELL NO 1	ARCOLA	36.0	TENNGASCO
-R H SIEGFRIED INC					RECEIVED: 01/14/81 JA: TX			
8112981	24305	4249700000	103		R L MORRIS - A - (06978) NO 19-A	CHICO WEST (CADDO CONGL	80.0	NATURAL GAS PIPELINE
-RESOURCES INVESTMENT CORPORATION					RECEIVED: 01/14/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112869	07288	4217531011	102		EWING #1-C	LA BAHIA E (FRIO 3450)	156.0	TRUNKLINE GAS CO
-RICKS EXPLORATION CO					RECEIVED: 01/14/81 JA: TX			
8112936	21780	4235730915	102		SELL 1113-A	RICKS (MORROW UP)	80.0	HIGH PLAINS NATURAL
-ROCKWOOD RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8113111	26969	4223931496	102		H MEYER NO 1 WELL	MAYO (6630) FIELD	0.0	DELHI GAS PIPELINE C
8113110	26968	4223931464	102		MATCEK - WHAFNER NO 1 WELL	MAYO (5940) FIELD	0.0	TEXAS EASTERNTRANSMI
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 01/14/81 JA: TX			
8113070	26483	4247932669	102		BRUNI MINERALS TRUST 1-A	JUANITA (LOBO)	500.0	TENNESSEE GAS PIPELI
-SANCHEZ-OBRIEN OIL & GAS CORP					RECEIVED: 01/14/81 JA: TX			
8112983	24478	4247932502	102		J C MARTIN III #4	DELORES CREEK (8200) PRO	0.0	UNITED TEXAS TRANSMI
-SAXON OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8113124	27059	4238331636	103		PATTERSON B NO 3	SPRABERRY (TREND AREA)	27.7	PHILLIPS PETROLEUM C
8113122	27057	4238331633	103		PATTERSON B-2	SPRABERRY (TREND AREA)	30.3	PHILLIPS PETROLEUM C
8113180	27287	4238331366	103		TURNER A NO 4	SPRABERRY (TREND AREA)	13.1	NORTHERN NATURAL GAS
8113179	27285	4238331374	103		UNIVERSITY 22-58 NO 3	SPRABERRY (TREND AREA)	14.2	NORTHERN NATURAL GAS
8113181	27288	4238331375	103		UNIVERSITY 22-58 NO 4	SPRABERRY (TREND AREA)	17.4	NORTHERN NATURAL GAS
8113123	27058	4238331616	103		WATKINS A-2	SPRABERRY (TREND AREA)	20.8	PHILLIPS PETROLEUM C
8113178	27284	4238331625	103		WATKINS NO 2	SPRABERRY (TREND AREA)	28.8	PHILLIPS PETROLEUM C
-SEAGULL OPERATING CO INC					RECEIVED: 01/14/81 JA: TX			
8112902	19103	4205100000	103		COFFIELD B-5 NO 1	WILDCAT FIELD	20.0	FERGUSON CROSSING PI
8112903	19114	4233100000	103		COFFIELD M-1F NO 1	WILDCAT FIELD	0.0	FERGUSON CROSSING PI
8112904	19201	4205100000	103		COFFIELD M-19 NO 1	WILDCAT FIELD	0.0	FERGUSON CROSSING PI
-SERVICE DRILLING CO					RECEIVED: 01/14/81 JA: TX			
8113251	27568	4223300000	108		MITTIE STEVENSON #2	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113252	27569	4223300000	108		MITTIE STEVENSON #4	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113237	27548	4223300000	108		W A CARVER A #1	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113243	27559	4223300000	108		W A CARVER A #11	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113238	27549	4223300000	108		W A CARVER A #4	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113239	27550	4223300000	108		W A CARVER A #5	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113240	27551	4223300000	108		W A CARVER A #6	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113241	27557	4223300000	108		W A CARVER A #8	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113242	27558	4223300000	108		W A CARVER A #9	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113244	27560	4223300000	108		W A CARVER B #1	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113245	27561	4223300000	108		W A CARVER B #2	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113246	27562	4223300000	108		W A CARVER B #3	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113247	27564	4223300000	108		W A CARVER B #4	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113248	27565	4223300000	108		W A CARVER B #5	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113249	27566	4223300000	108		W A CARVER B #6	PANHANDLE	0.3	DIAMOND SHAMROCK COR
8113250	27567	4223300000	108		W A CARVER B #7	PANHANDLE	0.3	DIAMOND SHAMROCK COR
-SHELL OIL CO					RECEIVED: 01/14/81 JA: TX			
8112927	20846	4270630154	102		S L 76433 NW #4	GALVESTON 102L (MIOCENE)	6000.0	LONE STAR GAS CO
8113209	27404	4249531216	103		SEALY SMITH FOUNDATION #186	MONAHANS (CLEAR FORK)	55.0	EL PASO NATURAL GAS
8113210	27406	4213533329	103		TXL NORTH UNIT #698	TXL (TUBB)	65.0	SHELL
8113172	2725	4213500000	108		TXL-HP-#2C	TXL (SAN ANDRES)	5.0	SHELL ET AL
8113173	27257	4213500000	108		TXL-K-TR 1 #3	TXL(CENTRAL WADDELL)	0.0	SHELL ET AL
-SOHIO NATURAL RESOURCES CO					RECEIVED: 01/14/81 JA: TX			
8113218	27447	4232930911	103		R S DAVENPORT E WELL NO 4	CALVIN (DEAN)	42.0	UNION TEXAS PETROLEU
-SOUTHLAND MINERALS CO					RECEIVED: 01/14/81 JA: TX			
8112873	12873	4221530875	103		W L GOLDSTON WELL NO 1	LOS INDIOS (VICKSBURG 80	110.0	TENNESSEE GAS PIPELI
-SOUTHLAND ROYALTY CO					RECEIVED: 01/14/81 JA: TX			
8112920	20534	4249500000	108		J C LOVETT A #10	KERMIT	2.5	CABOT CORP
8112921	20535	4249500000	108		J C LOVETT A #16	KERMIT	4.0	CABOT CORP

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8112922	20536	4249500000	108		J C LOVETT A #17	KERMIT	6.0	CABOT CORP
8112917	20531	4249500000	108		J C LOVETT A #5	KERMIT	0.4	CABOT CORP
8112918	20532	4249500000	108		J C LOVETT A #7	KERMIT	2.0	CABOT CORP
8112919	20533	4249500000	108		J C LOVETT A #9	KERMIT	3.5	CABOT CORP
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 01/14/81 JA: TX			
8112961	23222	4223700000	103		CRAFT-JONES #2	ALLEN-SIX (4800)	60.6	SOUTHWESTERN GAS PIP
8112962	23235	4223732236	103		M E FERRELL #2	JACKSBORO SE (5270)	0.0	SOUTHWESTERN GAS PIP
-STAHL PETROLEUM CO					RECEIVED: 01/14/81 JA: TX			
*8112877	17014	4248300000	108		MCCALL #2	EAST PANHANDLE	0.0	TRANSWESTERN PIPELIN
-SUBURBAN PROPANE GAS CORP					RECEIVED: 01/14/81 JA: TX			
8113069	26466	4210532750	103		MEYBIN B WELL NO 2	DAVIDSON RANCH (PENN 789	110.0	NORTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/14/81 JA: TX			
8113081	26669	4213500000	108		BLAKENEY B H NO 1	EAST GOLDSMITH	3.6	PHILLIPS PETROLEUM C
8113066	26435	420813C775	103		CENTRAL NATIONAL BANK NO 11	LYGAY	10.5	LONE STAR GAS CO
8113161	27188	4208130900	103		CENTRAL NATIONAL BANK NO 14	LYGAY	101.0	LONE STAR GAS CO
8113080	26668	4213500000	108		EAST GOLDSMITH HOLT UNIT NO 10-2	EAST GOLDSMITH	0.7	PHILLIPS PETROLEUM C
8112937	21835	4236500000	108		GENA WILLIAMSCN NO 1	CARTHAGE	20.0	TEXAS GAS TRANSMISSI
8112965	23428	4223700000	103		J B EVANS NO 2	JUPITER (CONGLOMERATE 3R	56.0	LONE STAR GAS CO
8113162	27189	4233531702	103		JAMES H NAIL JR TR NO 1	DIXON/COOM LIME	310.0	LONE STAR GAS CO
8113188	27300	4237100000	108		JASPER COUNTY SCHOOL LAND NO 4	NORTH PUCKETT	0.0	NORTHERN NATURAL GAS
8113163	27190	4238331528	103		LOTTIE JALONICK -A- NO 7	CALVIN (DEAN)	75.0	EL PASO NATURAL GAS
8113177	27280	4247531976	103		P WILLIAMS NO 1	RHODA WALKER (CANYON 590	155.0	INTRATEX GAS CO
-SUPERIOR OIL CO					RECEIVED: 01/14/81 JA: TX			
8113113	26995	4228730727	103		EDGMON-CAMERON WELL NO 1	GIDDINGS (AUSTIN CHALK)	182.0	
-TANA OIL & GAS CORP					RECEIVED: 01/14/81 JA: TX			
8112901	18475	4229732011	102		HOLM-STATE WELL 1-L	CLEGG (WILCOX 8800)	365.0	VALERO TRANSMISSION
8112901	18475	4229732011	103		HOLM-STATE WELL 1-L	CLEGG (WILCOX 8800)	365.0	VALERO TRANSMISSION
8112900	18474	4229703204	103		TANA NO 1 HOLM-STATE WELL	CLEGG WILCOX B (DUAL COM	109.5	VALERO TRANSMISSION
-TEE OPERATING CO					RECEIVED: 01/14/81 JA: TX			
8113160	27180	4208931070	103		HAVEMANN WELL NO 1	WILDCAT FIELD	0.0	COLORADO COUNTY GAS
-TENNECO OIL COMPANY					RECEIVED: 01/14/81 JA: TX			
8112929	21251	4221530934	102		MCALLEN FIELDWIDE UNIT NO 47	MCALLEN	400.0	TRUNKLINE GAS CO
-TERRA RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8113012	25297	4248131866	102		#2 PIERCE RANCH ESTATE	WHARTON WEST	0.0	NATURAL GAS PIPELINE
-TEXACO INC					RECEIVED: 01/14/81 JA: TX			
8112880	17325	4250500000	108		J D JENNINGS #15-R	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112881	17334	4250503019	108		J D JENNINGS #292	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112886	17341	4250530104	108		J D JENNINGS #330	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112888	17343	4250530086	108		J D JENNINGS #337	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112890	17349	4250530102	108		J D JENNINGS #343	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112891	17352	4250530165	108		J D JENNINGS #360	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112893	17354	4250530155	108		J D JENNINGS #363	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112882	17335	4250503020	108		J D JENNINGS WELL #293	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112883	17336	4250503164	108		J D JENNINGS WELL #316	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112884	17338	4250530041	108		J D JENNINGS WELL #319	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112885	17339	4250530040	108		J D JENNINGS WELL #320	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112887	17342	4250530084	108		J D JENNINGS WELL #336	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112889	17345	4250530094	108		J D JENNINGS WELL #339	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
8112892	17353	4250530175	108		J D JENNINGS WELL #361	JENNINGS WEST	4.9	TENNESSEE GAS PIPELI
-TEXAS ENERGY EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8113208	27384	4224931120	103		EMBLETON HEIRS #1 RRC ID #87750	EMBLETON HEIRS	156.0	NUE WELLS PIPELINE C
-TEXAS OIL & GAS CORP					RECEIVED: 01/14/81 JA: TX			
8112871	09266	4212300000	103		DREIER G U A #3	MEYERSVILLE (COCK MOUNTA	143.0	TEXAS EASTERN TRANS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8112870	09076	4226130462	102		ERCK #12	MCGILL (8280)	497.0	
8112872	10899	4248131732	102		FENNER E #1	GOLDEN ROD (4550)	96.0	TRUNKLINE GAS CO
8112999	25000	4223500000	103		WINTERBOTHAM F #1	DOVE CREEK (CANYON D)	600.0	COLUMBIA GAS TRANSMI
-TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 01/14/81 JA: TX			
8113135	27084	4243330827	103		BOYD CONGLOMERATE UNIT #62	BOYD (CONGLOMERATE)	20.7	CITIES SERVICE CO
8113134	27083	4243330839	103		BOYD CONGLOMERATE UNIT #63	BOYD (CONGLOMERATE)	9.7	CITIES SERVICE CO
8113133	27082	4243330838	103		BOYD CONGLOMERATE UNIT #64	BOYD (CONGLOMERATE)	13.8	CITIES SERVICE CO
8113132	27081	4243330830	103		BOYD CONGLOMERATE UNIT #65	BOYD (CONGLOMERATE)	0.0	CITIES SERVICE CO
8113131	27080	4243330837	103		BOYD CONGLOMERATE UNIT #66	BOYD (CONGLOMERATE)	0.0	CITIES SERVICE CO
8113130	27079	4243330840	103		BOYD CONGLOMERATE UNIT #67	BOYD (CONGLOMERATE)	4.7	CITIES SERVICE CO
8113129	27078	4243330831	103		BOYD CONGLOMERATE UNIT #68	BOYD (CONGLOMERATE)	9.8	CITIES SERVICE CO
8113128	27077	4243330841	103		BOYD CONGLOMERATE UNIT #69	BOYD (CONGLOMERATE)	123.3	CITIES SERVICE CO
8113083	26722	4213332190	102		E GAILEY WELL NO 1 (UPPER)	ELMER GAILEY (STRAWN 170	54.8	SOUTHWESTERN GAS PIP
-TEXOMA PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8112933	21423	4233700000	102		FLORENCE TRULL #1	SIMPSONVILLE (10300)	1.2	NATURAL GAS PIPELINE
-THREADGILL-DOWDEY PROD CO					RECEIVED: 01/14/81 JA: TX			
8112943	22188	4223732679	103		C J COKER NO 1 WELL	PERRIN S W (CONGL 4850)	126.0	LONE STAR GAS CO
-TOM F MARSH					RECEIVED: 01/14/81 JA: TX			
8113224	27492	4248300000	103		PANNELL #1-2	LOTT RANCH (UPPER MORROW	934.0	PIONEER NATURAL GAS
-TOMLINSON OIL CO INC					RECEIVED: 01/14/81 JA: TX			
8113270	27649	4250131806	103		OBERHOLTZER #1	REEVES (SAN ANDRES)	10.8	PHILLIPS PETROLEUM C
-TORTUGA OIL & MINERAL					RECEIVED: 01/14/81 JA: TX			
8113100	26902	4220131042	103		HULDA MARTENS #3	TOMBALL (HIRSCH NW)	22.0	EXXON CORP
-TRANSCONTINENTAL OIL CORPORATION					RECEIVED: 01/14/81 JA: TX			
8113256	27578	4241330923	103		UNIVERSITY 19-A #1	UNIVERSITY 53 (CANYON)	124.0	CRA INC
-TRI-MOR PRODUCTION CO					RECEIVED: 01/14/81 JA: TX			
8113112	26985	4242932421	103		J M FAMBRO #1 (88385)	WAYLAND NE (STRAWN)	91.3	SOUTHWEST GAS PIPELI
-U S OPERATING INC					RECEIVED: 01/14/81 JA: TX			
8112991	24709	4205130695	102		CINDY #1	GIDDINGS (AUSTIN CHALK)	120.0	CLAJON GAS CO
8113117	27013	4228730508	102		JUDY NO 1 (12546)	GIDDINGS (AUSTIN CHALK)	60.0	PGP GAS PRODUCTS INC
-W E POPE					RECEIVED: 01/14/81 JA: TX			
8113033	25713	4222130406	108		BARNEY IVES #1/#75368	BRAZOS EAST (CADDO)	9.7	TEXAS UTILITIES CO
8113032	25712	4222130398	108		N J ROGERS #1/#75369	BRAZOS EAST (CADDO)	10.3	TEXAS UTILITIES CO
-W H TAYLOR ESTATE					RECEIVED: 01/14/81 JA: TX			
8112868	05575	4217900000	103		WHT - TAYLOR RANCH 30R 72548	WEST PANHANDLE (GAS)	130.0	PHILLIPS PETROLEUM C
-W M SMITH					RECEIVED: 01/14/81 JA: TX			
8112906	19450	4250333377	103		T W MAHANEY #2	BERGEN (CONGL)	228.0	LEWTEX OIL & GAS CO
-W R EDWARDS JR					RECEIVED: 01/14/81 JA: TX			
8113063	26345	4223330818	103		ANDREW WELL N 4	PANHANDLE HUTCHINSON CO	160.0	PANHANDLE PRODUCING
8113071	26586	4223330897	103		BARNHILL WELL NO 14-1	PANHANDLE HUTCHINSON COU	0.0	PANHANDLE PRODUCING
8113082	26690	4223330888	103		BARNHILL WELL NO 35-1	PANHANDLE HUTCHINSON COU	0.0	PANHANDLE PRODUCING
8113073	26598	4223330878	103		LITTLE RASCALS WELL NO 20	PANHANDLE HUTCHINSON CO	160.0	PANHANDLE PRODUCING
8113072	26587	4234130595	103		WITHERBEE WELL NO 1	PANHANDLE MOORE COUNTY	0.0	
-W WALDO LYNCH					RECEIVED: 01/14/81 JA: TX			
8113049	26105	4250731327	102		A N NELSON NO 2 88388	LETTIS	70.0	NORTHERN NATURAL GAS
8112992	24739	4250731254	102		LA MANTIA NO 2	LA MANTIA (SAN MIGUEL)	180.0	VALERO TRANSMISSION
-WALSH & TRANT PETROLEUM CORP					RECEIVED: 01/14/81 JA: TX			
8112895	17665	4239930685	102		C N KORNEGAY NO 1	KORNEGAY (GARDNER)	25.6	UNION TEXAS PETROLEU
8112896	17666	4239930987	102		C N KORNEGAY NO 2	KORNEGAY (GARDNER)	25.6	UNION TEXAS PETROLEU
8112896	17666	4239930987	103		C N KORNEGAY NO 2	KORNEGAY (GARDNER)	25.6	UNION TEXAS PETROLEU
8112897	17667	4239931394	102		E ADAMI ESTATE NO 1	KORNEGAY (GARDNER)	54.8	UNION TEXAS PETROLEU
8112897	17667	4239931394	103		E ADAMI ESTATE NO 1	KORNEGAY (GARDNER)	54.8	UNION TEXAS PETROLEU

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 01/14/81 JA: TX			
8113225	27496	4210332226	103		J B TUBB ET AL NO 31	SAND HILLS (TUBB)	12.0	EL PASO NATURAL GAS
8113226	27497	4210332225	103		J B TUBB ET AL NO 32	SAND HILLS (TUBB)	116.0	EL PASO NATURAL GAS
-WARRIOR RESOURCES INC					RECEIVED: 01/14/81 JA: TX			
8112986	24584	4229300000	108		GUNTER (01963) OIL WELL NO 2	COIT (NACATOCH)	17.0	GULFTIDE GAS CORP
-WAYMAN W BUCHANAN					RECEIVED: 01/14/81 JA: TX			
8113144	27105	4223732910	103		BRYSON NO 1	CUSTARD (CONGL 4650)	0.0	LONE STAR GAS CO
8113253	27573	4246131587	103		CONNELL EST A NO 2	SPRABERRY (TREND AREA)	14.5	PHILLIPS PETROLEUM C
8113146	27107	4236731432	103		DOLENZ NO 1	WHISKEY FLAT (LOWER ATOK	73.0	SOUTHWESTERN GAS PIP
8113145	27106	4236731168	103		GOFORTH NO 1	WHISKEY FLAT (LOWER ATOK	73.0	SOUTHWESTERN GAS PIP
8113195	27323	4214930518	103		MORGAN JOOST NO 1	GIDDINGS-AUSTIN CHALK	36.0	PHILLIPS PETROLEUM C
8113165	27193	4236731275	103		TURNER NO 1	MOBY DICK (STRAWN)	100.0	SOUTHWESTERN GAS PIP
-WILBROOK EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8113262	27607	4213332075	103		BOB CARROLL NO 1 (15685)	JOSHUA (CONGLOMERATE)	90.0	LONE STAR GAS CO
8113263	27609	4213332066	103		JUANITA MASSENGALE B NC 1 (15594)	MASSENGALE (DUFFER)	120.0	LONE STAR GAS CO
-WILLIAM PERLMAN					RECEIVED: 01/14/81 JA: TX			
8113271	27775	4243500000	108		FIELDS 50 NO 1	SAWYER (CANYON)	20.0	EL PASO NATURAL GAS
8113272	28381	4243532076	108		GEO BROCKMAN 38 NO 2	SAWYER (CANYON)	20.0	EL PASO GAS TRANSPOR
-WOOD MCSHANE & THAMS					RECEIVED: 01/14/81 JA: TX			
8112899	18404	4200331128	108		FANNIE MATHEWS #2 RRC #70385	BLOCK A-34 (YATES)	0.7	EL PASO NATURAL GAS
-WTG EXPLORATION INC					RECEIVED: 01/14/81 JA: TX			
8112947	22480	4210500000	108		UNIVERSITY A - 2 F	HOWARD DRAW (GRAYBURG SA	1.1	EL PASO NATURAL GAS
-WY-VEL CORP					RECEIVED: 01/14/81 JA: TX			
8113260	27588	4223330594	103		SOUTHLAND #1 (04341)	PANHANDLE HUTCHINSON COU	29.0	PHILLIPS PETROLEUM C
8113261	27589	4223330595	103		SOUTHLAND #2 (04341)	PANHANDLE HUTCHINSON COU	49.0	PHILLIPS PETROLEUM C
8113196	27363	4223330809	103		SOUTHLAND #5 (04341)	PANHANDLE HUTCHINSON COU	18.0	PHILLIPS PETROLEUM C
-YUCCA PETROLEUM CO					RECEIVED: 01/14/81 JA: TX			
8113255	27576	4219500000	108		HENDERSON G U #1 TRC #22170	HANSFORD NORTH (MORROW)	13.0	NORTHERN NATURAL GAS

OTHER PURCHASERS

8112877	WARREN PETROLEUM COMPANY
8112894	RAEL GAS COMPANY
8112934	COLTEXO CORP
8112958	VALERO TRANSMISSION CO
8113060	COLTEXO CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 27, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4933 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 5, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION								
-CANKEE OIL & GAS CO					RECEIVED: 01/15/81 JA: MT			
8113319	9-80-207	2501521444	108		STATE 2-16-T26N-R17E	CHIP CREEK	14.5	NORTHERN NATURAL GAS
-DALE G MOORE					RECEIVED: 01/16/81 JA: MT			
8113536	9-80-213	2503521383	103		MOORE 5-11 HAUGEN	BIG ROCK GAS FIELD	31.0	FOUREM CO
-J BURNS BROWN					RECEIVED: 01/16/81 JA: MT			
8113538	2-80-65	2500522003	108		NEMETZ 29-33-18	LOHMAN GAS FIELD	10.0	NORTHERN NATURAL GAS
-LADD PETROLEUM CORPORATION					RECEIVED: 01/16/81 JA: MT			
8113535	9-80-217	2508321272	102		DUNCAN JOHNSON 34-1	SOUTH VAUX	19.5	MONTANA-DAKOTA UTILI
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 01/16/81 JA: MT			
8113537	9-80-206	2509121306	102		L TRONSON NO 2	MEDICINE LAKE	43.4	TRUE OIL CO
OHIO DEPARTMENT OF NATURAL RESOURCES								
-A & R COMPANY					RECEIVED: 01/15/81 JA: OH			
8113493		3416724945	107		DARREL SCHULTHEIS NO 1	LONG RUN	15.0	
8113494		3416724979	103		DEAN ABICHT NO 4	LONG RUN	4.0	
8113491		3416724622	107		HILDA WEBB NO 1 OH 11 1501	LONG RUN	30.0	
8113495		3416724982	103		LARRY HAYNES NO 1-S	LONG RUN	10.0	
8113492		3416724890	103		MARIE HAYNES NO 1 CH 16 1701	LONG RUN	7.0	
-ALSID OIL & GAS DEVELOPMENT CO					RECEIVED: 01/15/81 JA: OH			
8113437		3412724853	103		ALLEN UNIT #1	SALT LICK	15.0	
8113438		3412724854	103		ALLEN UNIT #2	SALT LICK	15.0	
8113435		3412724844	103		CAMPBELL #1	CAMPBELL	10.0	
8113436		3412724845	103		CAMPBELL #2	HOPEWELL	10.0	
-ALTHEIRS OIL INC					RECEIVED: 01/15/81 JA: OH			
8113345		3407322373	103		BENSONHAVER #2	WASHINGTON TWP	3.0	COLUMBIA GAS TRANS C
8113344		3407322364	103		BRIMNER #2	WASHINGTON TWP	4.0	COLUMBIA GAS TRANS C
-AMERICAN EXPLORATION CO					RECEIVED: 01/15/81 JA: OH			
8113408		3411923663	108		CLARK-SARBAUGH #1		20.0	TIMKEN
8113409		3411923726	108		W D BURWELL #1		20.0	LIBBEY OWENS FORD
-BARTLO OIL AND GAS COMPANY					RECEIVED: 01/15/81 JA: OH			
8113398		3410322304	103		GERALD GRINDLE #1	SHARON	30.0	
-BELDEN & BLAKE & CO 74					RECEIVED: 01/15/81 JA: OH			
8113422		3412520050	103		ELLA SMITH #1-967	HARRISON	36.5	
8113424		3412520053	103		EUGENE W & ALICE A BRUNS #1-964	HARRISON	36.5	
8113423		3412520051	103		ROY E & ROSE A GLASS #2-B-965	BENTON	36.5	
-BEREA OIL AND GAS CORPORATION					RECEIVED: 01/15/81 JA: OH			
8113412		3411924406	108	D	BALL #1		1.0	COLUMBIA GAS TRANSMI
-BUCKEYE OIL PRODUCING CO					RECEIVED: 01/15/81 JA: OH			
8113500		3416922145	108	D	WILLOUR #2		5.0	BERMAN SHAFER OPERAT
-CALLANDER & KIMBREL INC					RECEIVED: 01/15/81 JA: OH			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113334		3403124066	103		DALE & DAVID HEDRICK #2	BEDFORD	6.0	
8113333		3403123952	103		JAMES & LAURA ASHCRAFT #3	PERRY	6.0	
-CAMERON & KINCAID					RECEIVED: 01/15/81 JA: OH			
8113414		3411925298	103		RAY OUTRO #1-A	HARRISON	10.0	
-CARL E SMITH					RECEIVED: 01/15/81 JA: OH			
8113377		3408923909	103		JESSE L MONTGOMERY #2	PERRYTON	12.0	NATIONAL GAS & OIL C
-CARL E SMITH INC					RECEIVED: 01/15/81 JA: OH			
8113403		3410521925	103		H M DODDERER NO 1	OLIVE	17.0	COLUMBIA GAS TRANSMI
8113402		3410521885	103		HOSTETTER-KENNEDY UNIT NO 1	OLIVE	18.0	COLUMBIA GAS TRANSMI
8113323		3400922019	103		HOWARD DOBBINS NO 1	TROY	17.0	COLUMBIA GAS TRANSMI
8113322		3400921997	103		ROBERT R BARTON UNIT NO 1	CARTHAGE	0.0	COLUMBIA GAS TRANSMI
8113326		3400922107	103		ROY S KOHLHAUSEN NO 1	CARTHAGE	15.0	COLUMBIA GAS TRANSMI
-CHANSE PETROLEUM CORPORATION					RECEIVED: 01/15/81 JA: OH			
8113320		3400721438	103		A C & G P JEROME #1	NEW LYME	5.0	
-CHARLES O LIGHTHIZER					RECEIVED: 01/15/81 JA: OH			
8113410		3411904300	108	D	HAROLD MILLER #3		12.0	COLUMBIA GAS CORP
-CLINTON OIL CO					RECEIVED: 01/15/81 JA: OH			
8113378		3408923969	103		H KIBLER #3-525	HOPEWELL	100.0	
8113415		3411925371	103		RUCKER-STOTTS #2-537	CASS	100.0	
8113489		3416723733	108		W L CAMPBELL #1		20.0	GAS TRANSPORT
8113463		3415123382	103		WILDERNESS CENTER #1-560	SUGAR CREEK	100.0	
8113462		3415123381	103		WILDERNESS CENTER #2-561	SUGAR CREEK	100.0	
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 01/15/81 JA: OH			
8113467		3415520044	108	D	TCO - R J EAKIN #1 711236	NORTHERN DIST OHIO	16.4	COLUMBIA GAS TRANS C
8113466		3415520026	108	D	TCO-BIGGARD #1 711085	NORTHERN DIST OHIO	15.8	COLUMBIA GAS TRANS C
8113332		3403123197	108	D	TCO-HACKENBRACHT 720540	NORTHERN DIST STE OF OHI	3.4	COLUMBIA GAS TRANS C
8113468		3415520061	108	D	TCO-JENNIE SINN #1 711295	NORTHERN DIST OHIO	12.0	COLUMBIA GAS TRANS C
8113469		3415520172	108	D	TCO-SUMMERS UNIT#1	NORTHERN DIST OHIO	6.0	COLUMBIA GAS TRANS C
-DAVID R HILL					RECEIVED: 01/15/81 JA: OH			
8113336		3403124113	103		CAMACHO-WALTON #1 4113	BLADENSBURG OIL FIELD	7.0	
-ENERGY RE-DEVELOPMENT					RECEIVED: 01/15/81 JA: OH			
8113421		3412121519	108	D	BARNHOUSE #1		58.0	EAST OHIO GAS CO
8113411		3411924365	108	D	KINCAID #1		24.0	EAST OHIO GAS CO
8113407		3411923425	108	D	KINCAID #2		18.0	EAST OHIO GAS CO
8113342		3405921330	108	D	MASON #1		48.0	COLUMBIA GAS TRANSMI
8113341		3405921320	108	D	MATHERS-MORRIS #A-3		48.0	COLUMBIA GAS TRANSMI
8113340		3405921291	108	D	MOOREHEAD #1		18.0	COLUMBIA GAS TRANSMI
8113343		3405921481	108	D	MOOREHEAD #3		18.0	COLUMBIA GAS TRANSMI
8113405		3411922450	108	D	RANKIN #1		5.0	EAST OHIO GAS CO
8113406		3411922451	108	D	RANKIN #2		5.0	EAST OHIO GAS CO
-GEO ENERGY INC					RECEIVED: 01/15/81 JA: OH			
8113396		3410322289	103		DOHODA #3-1-1	LIVERPOOL	14.5	
-GIANT PETROLEUM CORPORATION					RECEIVED: 01/15/81 JA: OH			
8113321		3400721481	103		STUDER UNIT #1	ROME	20.0	EAST OHIO GAS CO
-H I SMITH OIL & GAS INC					RECEIVED: 01/15/81 JA: OH			
8113365		3407522634	103		ABE MILLER #2	PRAIRIE	12.0	COLUMBIA GAS TRANS C
-HARRY DUGAN OIL CO					RECEIVED: 01/15/81 JA: OH			
8113375		3408923856	103		T & I BILLMAN NO 1	HICKMAN QUAD	36.5	COLUMBIA GAS TRANSMI
-JAMES A & RUTH E OYSTER					RECEIVED: 01/15/81 JA: OH			
8113380		3409920238	108		OYSTER-LONG #1		3.1	EAST OHIO GAS CO
-JEFFREY G MORAN					RECEIVED: 01/15/81 JA: OH			
8113372		3408322781	103		DANIEL & KETURAH MILLER #1	CLAY	18.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
-JOHN C MASON					RECEIVED: 01/15/81 JA: OH			
8113330		3403123017	108		CONKLE ESTATE #1		5.0	CINCINNATI GAS & ELE
8113329		3403122792	108		EARL RICE #1		15.0	COLUMBIA GAS TRANS C
8113328		3403122622	108		ELVIN BRILLHART #1		18.0	COLUMBIA GAS TRANS C
8113346		3407521650	108		HIPP LUMBER CO #1		10.0	MASON GAS SERVICE
8113347		3407521728	108		HIPP LUMBER CO #2		10.0	MASON GAS SERVICE
8113348		3407521794	108		HIPP LUMBER CO #3		10.0	MASON GAS SERVICE
8113349		3407521806	108		HIPP LUMBER CO #4		10.0	MASON GAS SERVICE
8113352		3407521932	108		HIPP LUMBER CO #5		10.0	MASON GAS SERVICE
8113351		3407521918	108		JERRY STROUSE #1		7.0	CINCINNATI GAS & ELE
8113353		3407521941	108		JERRY STROUSE #2		7.0	CINCINNATI GAS & ELE
8113356		3407522076	108		JERRY STROUSE #4		7.0	CINCINNATI GAS & ELE
8113357		3407522094	108		JERRY STROUSE #5		6.0	CINCINNATI GAS & ELE
8113358		3407522139	108		JERRY STROUSE #7		6.0	CINCINNATI GAS & ELE
8113350		3407521859	108		RALPH COHEN #1		6.0	CINCINNATI GAS & ELE
8113331		3403123170	108		RCY BRILLHART HEIRS 1A		12.0	CINCINNATI GAS & ELE
8113354		3407521949	108		WADE LOGSDON #1		8.0	COLUMBIA GAS TRANS C
8113355		3407522060	108		WADE LOGSDON #2		10.0	COLUMBIA GAS TRANS
-JOHN F & NELLIE R BARNETT					RECEIVED: 01/15/81 JA: OH			
8113379		3409920228	108	D	BARNETT J & NELLIE #1		2.8	EAST OHIO GAS CO
-L & M PETROLEUM INC					RECEIVED: 01/15/81 JA: OH			
8113496		3416725652	107		GLEN A BIEHL #2	LAWRENCE	12.8	COLUMBIA GAS TRANSMI
8113498		3416725741	107		NOLAND/MCCAIN #3	FEARING	12.8	COLUMBIA GAS TRANSMI
8113497		3416725704	107		WHEATON/MATHENY UNIT #1	LAWRENCE	12.8	COLUMBIA GAS TRANSMI
-L & M OPERATING INC					RECEIVED: 01/15/81 JA: OH			
8113490		3416724202	108		WALTER SCHAAD #1		12.8	GAS TRANSPORT INC
-L & M PETROLEUM					RECEIVED: 01/15/81 JA: OH			
8113502		3416725662	107		HENSHAW/MARTIN UNIT #1	LAWRENCE	12.8	COLUMBIA GAS TRANSMI
-LAKE REGION OIL INC					RECEIVED: 01/15/81 JA: OH			
8113370		3407522747	103		CHARLES V STRAITS #2	KILLBUCK	15.0	COLUMBIA GAS TRANSMI
-LARRY H WRIGHT INC					RECEIVED: 01/15/81 JA: OH			
8113325		3400922095	103		LOWE #1	ATHENS	10.0	
-LBJ DRILLING DBA JEFF MORAN					RECEIVED: 01/15/81 JA: OH			
8113373		3408923812	103		JACKSON & CAROL SHERMAN #1	EDEN	16.0	
-LEONARD STARCHER					RECEIVED: 01/15/81 JA: OH			
8113444		3413320378	108	D	BATERS COMM #1	PORTAGE	1.7	EAST OHIO GAS CO
-LESLIE OIL & GAS CO INC					RECEIVED: 01/15/81 JA: OH			
8113400		3410322355	103		GIAR WELL #1	SPENCER	15.0	COLUMBIA GAS TRANSMI
8113399		3410322307	103		WAKEFIELD UNIT #1	SPENCER	10.0	COLUMBIA GAS TRANSMI
-LIBERTY OIL&GAS CORP					RECEIVED: 01/15/81 JA: OH			
8113401		3410521732	108		CECIL CALDWELL #1		6.0	COLUMBIA GAS TRANSMI
8113327		3400922110	103		MILLS B #1	CARTHAGE	18.0	COLUMBIA GAS TRANSMI
-LLOYD SMAIL					RECEIVED: 01/15/81 JA: OH			
8113455		3415120800	108		AMADII #1		21.0	EAST OHIO GAS CORP
8113465		3415320050	108		E H & L KEPLER #1		6.0	EAST OHIO GAS CO
8113451		3415120514	108		HOUTZ #1		9.0	EAST OHIO GAS CO
8113452		3415120538	108		KENMENY COMMUNITY #1		17.0	EAST OHIO GAS CO
8113454		3415120771	108		MAREELLI #1		6.0	EAST OHIO GAS CO
8113453		3415120636	108		WATERFIELD #2		5.0	EAST OHIO GAS CO
-M C F OIL COMPANY INC					RECEIVED: 01/15/81 JA: OH			
8113371		3407522822	103		MCGOVERN NO 1	MONROE	5.0	THE COLUMBIA GAS TRA
-MICHAELS OIL & GAS CO					RECEIVED: 01/15/81 JA: OH			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113397		3410322292	103		MICHAELS #1	SHARON	200.0	
-MID-ATLANTIC OIL CO					RECEIVED: 01/15/81 JA: OH			
8113417		3412121448	108		BLISS IAMS #1		15.0	EAST OHIO GAS CO
8113416		3412121447	108		GEORGE LAWRENCE #2		14.0	EAST OHIO GAS CO
-NEW FRONTIER EXPLORATION INC					RECEIVED: 01/15/81 JA: OH			
8113460		3415123374	103		BOSLER-SCHONDEL UNIT #1	OSNABURG	30.0	
8113461		3415123376	103		DUNN-PERO UNIT #1	OSNABURG	30.0	
8113458		3415123368	103		HARVEY BOSLER #1	OSNABURG	30.0	
8113457		3415123357	103		KARL SCHONDEL #1	OSNABURG	30.0	
8113456		3415123356	103		KARL SCHONDEL #2	OSNABURG	30.0	
8113459		3415123372	103		KEPLER-BARNHILL UNIT #1	PIKE	25.0	
8113464		3415123388	103		RUSSELL BOUGHMAN #1	BETHLEHEM	28.0	
-OILTECH INC					RECEIVED: 01/15/81 JA: OH			
8113369		3407522725	103		RONALD & RICHARD POTTS #4	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8113368		3407522724	103		RONALD & RICHARD POTTS #5	MECHANIC	0.0	COLUMBIA GAS TRANSMI
-OXFORD OIL CO					RECEIVED: 01/15/81 JA: OH			
8113335		3403124079	103		#1 EDGAR EIZENSMITS	JEFFERSON	12.0	
8113374		3408923838	103		B G NETHERS #8	HANOVER	10.0	
8113366		3407522668	103		CARL CASEY #1		10.0	
8113404		3411521510	108		DAVID NEWLON #1		12.0	NATIONAL GAS & OIL C
8113376		3408923887	103		RAY BOYD #2		12.0	
-PREMIER ENERGY CORP					RECEIVED: 01/15/81 JA: OH			
8113363		3407522503	103		B E DEETZ #2	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8113364		3407522505	103		B E DEETZ #4	MECHANIC	0.0	COLUMBIA GAS TRANSMI
8113359		3407522413	103		BALDER #1	HARDY	30.0	COLUMBIA GAS TRANSMI
8113360		3407522415	103		BALDER #3	HARDY	30.0	COLUMBIA GAS TRANSMI
8113361		3407522416	103		BALDER #4	HARDY	0.0	COLUMBIA GAS TRANSMI
8113362		3407522417	103		BALDER #5	HARDY	30.0	COLUMBIA GAS TRANSMI
-REPUBLIC ENERGY INVESTMENT CORP 80I					RECEIVED: 01/15/81 JA: OH			
8113337		3405320558	103		MOORE WELL #1	ADDISON	5.0	COLUMBIA GAS TRANSMI
8113338		3405320567	103		MOORE WELL #2	ADDISON	5.0	COLUMBIA GAS TRANSMI
8113339		3405320585	103		MOORE WELL #3	ADDISON	5.0	COLUMBIA GAS TRANSMI
-RIMCO OPERATING INC					RECEIVED: 01/15/81 JA: OH			
8113501		3416922304	103		GEORGE & BUELA MILLER #1	WAYNE	12.0	COLUMBIA GAS TRANS C
-ROBERT E SHERRY					RECEIVED: 01/15/81 JA: OH			
8113425		3412723013	108	D	GORSKY #1		2.0	
8113431		3412723118	108	D	GUILLIAMS #2		4.0	
8113428		3412723039	108	D	HAZLETT KISH #1		2.0	
8113427		3412723038	108	D	HAZLETT SWINEHART #1		3.0	
8113429		3412723060	108	D	JOHNSON #1		2.0	
8113432		3412723163	108	D	JONES #1		3.0	
8113433		3412723164	108	D	JONES #2		1.7	
8113426		3412723025	108	D	MORTON #1		3.0	
8113434		3412723228	108	D	THOMPSON DICKSON #1		1.0	
8113430		3412723080	108	D	YOUNG #1		2.7	
-TRI COAST PETROLEUM INC					RECEIVED: 01/15/81 JA: OH			
8113420		3412121474	108		AMERADA - ARCHER NICHOLS #1		7.0	EAST OHIO GAS CO
8113419		3412121463	108		AMERADA MARY BOYD #1		10.0	EAST OHIO GAS CO
8113418		3412121454	108		MABEL WILEY #1		11.0	EAST OHIO GAS CO
-UNITED PETROLEUM CORP					RECEIVED: 01/15/81 JA: OH			
8113394		3409920872	108		ALTIERE #1	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8113395		3409920873	108		ALTIERE #3	ELLSWORTH	8.0	AMERICAN ENERGY SERV

JD NO	JA OKT	API NO	SEC	D	WELL NAME	FIELD NAME	PRCD	PURCHASER
8113480		3415520393	108		BOSLEY #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113387		3409920763	108		BROADSWORD-WILLIAMS #1	ELLSWORTH	10.0	AMERICAN ENERGY SERV
8113478		3415520337	108		BURBACH #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113479		3415520338	108		BURBACH #2	FARMINGTON	2.0	EAST OHIO GAS CO
8113470		3415520226	108		BYLER #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113483		3415520408	108		CASTLE #1	FARMINGTON	1.0	EAST OHIO GAS CO
8113471		3415520261	108		CLEER #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113390		3409920812	108		DAVIS #1	CANFIELD	11.0	AMERICAN ENERGY SERV
8113391		3409920813	108		DAVIS #2	CANFIELD	11.0	AMERICAN ENERGY SERV
8113383		3409920720	108		DAVIS-MOORE #1	CANFIELD	8.0	AMERICAN ENERGY SERV
8113381		3409920619	108		DMETRUK #1	ELLSWORTH	15.0	EAST OHIO GAS CO
8113386		3409920762	108		GARFIELD #1	ELLSWORTH	0.0	AMERICAN ENERGY SERV
8113382		3409920704	108		GIBSON #1	ELLSWORTH	10.0	AMERICAN ENERGY SERV
8113446		3413320665	108		GRULY #1	RAVENNA	5.0	EAST OHIO GAS CO
8113473		3415520326	108		HATCH #1	FARMINGTON	3.0	EAST OHIO GAS CO
8113447		3413320671	108		HLUCH #1	ROOTSTOWN	6.0	EAST OHIO GAS CO
8113388		3409920773	108	D	J BERARDI #1	ELLSWORTH	5.0	AMERICAN ENERGY SERV
8113384		3409920721	108		KREITZBURG #1	ELLSWORTH	2.0	AMERICAN ENERGY SERV
8113474		3415520331	108		KUHL-SWIGER #1	FARMINGTON	4.0	EAST OHIO GAS CO
8113482		3415520403	108		MILLER #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113476		3415520334	108		OSMER #1	FARMINGTON	2.0	EAST OHIO GAS CO
8113475		3415520333	108		OSMER #2	FARMINGTON	2.0	EAST OHIO GAS CO
8113389		3409920796	108		P MYERS #1	ELLSWORTH	11.0	AMERICAN ENERGY SERV
8113392		3409920840	108		VAN AUKER #1	ELLSWORTH	20.0	AMERICAN ENERGY SERV
8113393		3409920856	108		WESTFALL #2	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8113385		3409920722	108		WILSON #1	ELLSWORTH	10.0	AMERICAN ENERGY SERV
8113472		3415520267	108		WOODFORD #1	FARMINGTON	1.0	EAST OHIO GAS CO
8113477		3415520336	108		WOODFORD #2	FARMINGTON	1.0	EAST OHIO GAS CO
8113481		3415520402	108		WOODFORD #3	FARMINGTON	0.0	EAST OHIO GAS CO
8113484		3415520700	108		WOODFORD BOSLEY #1	FARMINGTON	2.0	EAST OHIO GAS CO
-VESCORP INDUSTRIES INC					RECEIVED: 01/15/81 JA: OH			
8113449		3413321290	108		CITY OF RAVENNA #3		20.0	TIMKEN
8113448		3413321263	108		CONNELL #1		20.0	TIMKEN
8113450		3413321298	108		NAVARETTE #1		20.0	TIMKEN
8113486		3415723045	108		R & M CARLISLE #1		20.0	TIMKEN
8113485		3415723026	108		WM CARLISLE #1		20.0	TIMKEN
-VICTOR MCKENZIE					RECEIVED: 01/15/81 JA: OH			
8113413		3411924429	108		M JANE FRIEL ETAL #1		12.0	COLUMBIA GAS TRANS
-WHITMAN OIL & GAS CORP					RECEIVED: 01/15/81 JA: OH			
8113324		3400922094	103		VELMA POSTON #3	NEW ENGLAND	4.0	
-WILLIAM F HILL					RECEIVED: 01/15/81 JA: OH			
8113367		3407522680	103		ELEANOR B HOSTUTLER #1	HARDY	8.0	
-WILLIAM N TIPKA					RECEIVED: 01/15/81 JA: OH			
8113487		3415723262	103		WARNER J CLARK #1	WASHINGTON	36.0	EAST OHIO GAS CO
8113488		3415723265	103		WARNER J CLARK #2	WASHINGTON	36.0	EAST OHIO GAS CO
-WM PAUL HAMBLETON					RECEIVED: 01/15/81 JA: OH			
8113443		3413320350	108	D	BRANNEN COMM #1	PORTAGE	6.7	EAST OHIO GAS CO
8113440		3413320178	108	D	BRESKY COMM #1	PORTAGE	2.6	EAST OHIO GAS CO
8113442		3413320349	108	D	DUKE COMM #1	PORTAGE	10.5	EAST OHIO GAS CO
8113445		3413320397	108	D	FOY COMM #1	PORTAGE	14.8	EAST OHIO GAS CO
8113441		3413320234	108	D	LULI COMM #1	PORTAGE	4.7	EAST OHIO GAS CO
8113439		3413320100	108	D	MAUTZ WELL #1	PORTAGE	4.7	EAST OHIO GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8113499		3416921339	108	D	WENGERD #1	PAINT TUP-WAYNE	4.4	OHIO FUEL GAS CO

OKLAHOMA CORPORATION COMMISSION

-C & S RESOURCES INC				RECEIVED: 01/14/81 JA: OK				
8113296	06730	3508100000	102	EDITH NO 1		SOUTH CARNEY	25.6	SUN GAS CO
-CALVERT DRILLING CO				RECEIVED: 01/14/81 JA: OK				
8113315	06763	3510920311	103	CLEMENT #1		WEST EDMOND	55.0	PHILLIPS PETROLEUM C
-CHASE EXPLORATION CORP				RECEIVED: 01/14/81 JA: OK				
*8113292	06771	3507121897	103	BRAZELTON #2-29			11.3	CITIES SERVICE GAS C
*8113293	06770	3507121982	103	BRAZELTON #3-29			16.0	CITIES SERVICE GAS C
*8113289	06768	3507121955	103	KAHLE #4-24			73.0	CITIES SERVICE GAS C
*8113288	06769	3507121150	103	MEYER #1-30			3.9	CITIES SERVICE GAS C
*8113290	06767	3507121168	103	MILLER 1-28			3.6	CITIES SERVICE GAS C
*8113291	06766	3507120968	103	NEAL 1-15			4.2	CITIES SERVICE GAS C
*8113318	06765	3507120974	103	THAIN 1-28		UNNAMED	3.8	CITIES SERVICE GAS C
*8113295	06773	3507120912	103	THAIN 2-28			4.3	CITIES SERVICE GAS C
*8113294	06772	3507121611	103	VOEGELE #2-28			5.1	CITIES SERVICE GAS C
-DALCO PETROLEUM INC				RECEIVED: 01/14/81 JA: OK				
8113279	06357	3507322403	103	SCHOELEN #1		SOONER TREND	91.3	CITIES SERVICE GAS C
-EXXON CORPORATION				RECEIVED: 01/14/81 JA: OK				
8113311	06738	3500772819	103	STATE LIFE UNIT #2		MOCANE - LAVERNE	254.0	COLORADO INTERSTATE
-GULF OIL CORPORATION				RECEIVED: 01/14/81 JA: OK				
8113312	06760	3505900000	108	A P JACKSON #1		LAVERNE	13.0	TRANSWESTERN PIPELIN
-J & L OIL CO				RECEIVED: 01/14/81 JA: OK				
8113309	06587	3510522011	103	JORDAN #ONE		EAST OF CURL CREEK POOL	11.0	A-G SYSTEMS LTD
-JAMES E EDELMAN JR				RECEIVED: 01/14/81 JA: OK				
8113301	06740	3511121626	103	WOLFE #12		POLLYANNA	24.0	PHILLIPS PETROLEUM C
8113300	06739	3511121627	103	WOLFE #13		POLLYANNA	30.0	PHILLIPS PETROLEUM C
-L & N EXPLORATION INC				RECEIVED: 01/14/81 JA: OK				
8113313	06754	3508321342	103	ELLIOTT #1		N W RUSSELLVILLE	73.0	EASON OIL CO
-LAGUNA PETROLEUM CO				RECEIVED: 01/14/81 JA: OK				
8113307	06701	3501721389	103	TEDESCO NO 1			63.0	PHILLIPS PETROLEUM C
-MACK OIL CO				RECEIVED: 01/14/81 JA: OK				
8113298	05900	3501700000	103	#1 HECKES			127.4	OKLAHOMA GAS & ELECT
8113299	05897	3501700000	103	BOHLMAN #1			160.9	OKLAHOMA GAS & ELECT
-MARLIN OIL CORPORATION				RECEIVED: 01/14/81 JA: OK				
8113303	06783	3500721758	103	NO 1 BOUGHN		MOCANE-LAVERNE	2.9	COLORADO INTEREST GA
-MAY PETROLEUM INC				RECEIVED: 01/14/81 JA: OK				
8113310	06586	3501120822	103	CURTIS PLUMMER #1 (011-55198)		FAY SOUTHEAST	130.0	OKLAHOMA GAS & ELECT
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 01/14/81 JA: OK				
8113317	05419	3501520324	108	EAST BINGER UNIT NO. 27-01		E BINGER	0.0	OKLAHOMA NATURAL GAS
-RAMBLER OIL CO				RECEIVED: 01/14/81 JA: OK				
8113314	06718	3501120986	103	STACY NO 1-34		N E CARLTON	182.5	DELHI GAS PIPELINE C
-RICKS EXPLORATION CO				RECEIVED: 01/14/81 JA: OK				
8113287	06795	3515321063	103	BELLOWS 32-A		W SHARON	60.0	PHILLIPS PETROLEUM C
8113306	05601	3504520743	103	CLINE 2A		N W FARGO	91.0	PANHANDLE EASTERN PI
-RIO PETROLEUM INC				RECEIVED: 01/14/81 JA: OK				
8113304	06792	3502520421	103	BEV #1		KEYES	48.0	COLORADO INTERSTATE
-ROOMAN PETROLEUM CORP				RECEIVED: 01/14/81 JA: OK				
8113316	06438	3507322001	103	BETTY 29-1		SOONER TREND	80.0	PHILLIPS PETROLEUM C
-THE GHK COMPANY				RECEIVED: 01/14/81 JA: OK				
8113297	06727	3512900000	102	1-17 WILKS		CARPENTER FIELD	300.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-TOM F MARSH INC					RECEIVED: 01/14/81 JA: OK			
8113302	06782	3502520367	103		FRANK PARKES #2 24	KEYES	235.0	PANHANDLE EASTERN PI
-WM A JENKINS INC					RECEIVED: 01/14/81 JA: OK			
8113281	06576	3504721715	103		CURBY #1		14.1	AMINOIL USA INC
8113308	06583	3508120827	103		ESTRICH #1		7.0	POLL GAS INC
8113280	06575	3504721717	103		GOLLON #1		7.7	AMINOIL USA INC
8113283	06578	3508321029	103		GOGONIGHT #1		120.0	AMINOIL USA INC
8113305	06582	3510320721	103		JEROME #1	LUCIAN	24.0	AMINOIL USA INC
8113285	06581	3504721716	103		KAISER #1		7.0	AMINOIL USA INC
8113284	06579	3508320434	103		KENASTON #1		25.0	AMINOIL USA INC
8113282	06577	3511920938	103		LOWRY #1		45.0	AMINOIL USA INC
8113286	06580	3504721395	103		MEYER #1		9.0	AMINOIL USA INC
**********								
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY								
**********								
-ASHLAND EXPLORATION INC					RECEIVED: 01/14/81 JA: VA			
8113275		4502719974	108		CLINCHFIELD #4 - 26320	KEEN MOUNTAIN	20.0	CONSOLIDATED GAS SUP
8113274		4502719966	108		LON B ROGERS #11 - 24870	KEEN MOUNTAIN	20.0	CONSOLIDATED GAS SUP
-PHILADELPHIA OIL COMPANY					RECEIVED: 01/14/81 JA: VA			
8113276		4519520355	103		P-103 SAMUEL HENSLEY	NORA	145.7	KENTUCKY WEST VIRGIN
8113278		4519520356	103		P-104 J A ODLE	NORA	134.3	KENTUCKY WEST VIRGIN
8113277		4505120322	103		P-96 ELEXIUS SMITH	NORA	39.0	KENTUCKY WEST VIRGIN
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
**********								
-MIDLANDS GAS CORPORATION					RECEIVED: 01/15/81 JA: MT 5			
*8113534	M 637-0	2507121558	108		1942 #1 FEDERAL	WILDCAT	22.0	KANSAS-NEBRASKA NATU
-SHELL OIL CO					RECEIVED: 01/15/81 JA: MT 5			
8113520	M 398-0	2508521311	102		USA 41X-6	MONDAK WEST	175.0	MONTANA DAKOTA UTILI
-BELCO PETROLEUM CORPORATION					RECEIVED: 01/15/81 JA: ND 5			
8113507	ND 127-0	3305300782	102		EDGAR FEDERAL 4-12 00782	ROUGHRIDER	140.0	KOCH OIL CO
8113508	ND 128-0	3305300884	102		EDGAR FEDERAL 5-12 00884	ROUGHRIDER	45.0	KOCH OIL CO
-GETTY OIL COMPANY					RECEIVED: 01/15/81 JA: ND 5			
*8113513	ND 213-0	3300700372	102		MYSTERY CREEK NO 1-11	T R FIELD (FRYBURG)	30.0	KOCH HYDROCARBON CO
-SHELL OIL CO					RECEIVED: 01/15/81 JA: ND 5			
8113526	ND 498-0	3305301005	102		USA 12-13-54	MONDAK	10.0	MONTANA DAKOTA UTILI
8113531	W 610-0	3305300952	102		USA 12-6-44	MONDAK	2.9	MONTANA DAKOTA UTILI
8113533	NC 623-0	3305301014	102		USA 23-7-55	MONDAK	9.0	MONTANA DAKOTA UTILI
8113504	ND 45-0	3305300822	102		USA 24-21-17	MONDAK	48.5	MONTANA DAKOTA UTILI
8113519	ND397-0	3305300959	102		USA 24-26-47	MONDAK	8.0	MONTANA DAKOTA UTILI
8113521	ND 399-0	3305300951	102		USA 24-28-42	MONDAK	2.0	MONTANA DAKOTA UTILI
8113527	ND 499-0	3305300837	102		USA 32-23-21	MONDAK	3.5	MONTANA DAKOTA UTILI
8113532	ND 611-0	3305301009	102		USA 34-14-85	MONDAK	6.5	MONTANA DAKOTA UTILI
8113522	ND431-0	3305300949	102		USA 34-35	MONDAK	2.5	MONTANA DAKOTA UTILI
8113528	ND 500-0	3305300927	102		USA 42-12-38	MONDAK	0.3	MONTANA DAKOTA UTILI
8113523	ND432-0	3305300948	102		USA 42-28-43	MONDAK	0.5	MONTANA DAKOTA UTILI
8113512	ND 202-0	3305300816	102		USA 43-19-15	MONDAK	24.0	MONTANA DAKOTA UTILI
8113524	ND 433-0	3305300967	102		USA 44-25-48	MONDAK	4.0	MONTANA DAKOTA UTILI
-TENNECO OIL COMPANY					RECEIVED: 01/15/81 JA: ND 5			
8113514	ND 303-0	3300700431	102		STUART USA #2-31	MYSTERY CREEK	500.0	WESTERN GAS PROCESSO
8113511	ND 183-0	3300700377	102		STUART USA #3-7	BIG STICK	300.0	WESTERN GAS PROCESSO
8113515	ND 305-0	3300700493	102		STUART USA #4-19	BIG STICK	750.0	WESTERN GAS PROCESSO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PR CD	PURCHASER
-BELCO PETROLEUM CORPORATION					RECEIVED: 01/15/81 JA: WY 5			
8113509	W 135-0	4903505642	108		BNG-20 05642	BIG PINEY	8.0	NORTHWEST PIPELINE C
8113529	W 558-0	4903505580	108		C 68-34 05580	BIG PINEY - LABARGE	0.0	NORTHWEST PIPELINE C
-CHEVRON U S A INC					RECEIVED: 01/15/81 JA: WY 5			
8113530	W 573-0	4904120207	102		PAINTER RESERVOIR UNIT 11-32B	PAINTER RESERVOIR	450.0	NORTHERN NATURAL GAS
-CIG EXPLORATION INC					RECEIVED: 01/15/81 JA: WY 5			
8113525	W 476-0	4901320799	103		FLATT #1-28	LONG BUTTE-CODY	146.4	COLORADO INTERSTATE
8113506	W 113-0	4903720947	107		HAYSTACK UNIT 1-28	HAYSTACK UNIT	320.0	COLORADO INTERSTATE
-PACIFIC TRANSMISSION SUPPLY COMPANY					RECEIVED: 01/15/81 JA: WY 5			
8113505	W 62-0	4900720461	103		PTS 3-18A FEDERAL	ECHO SPRINGS	750.0	PACIFIC GAS & ELECTR
-SHELL OIL CO					RECEIVED: 01/15/81 JA: WY 5			
8113503	W 35-0	4901320876	103		UNIT 22-10	PAVILLION	106.0	MONTANA DAKOTA UTILI
-SOUTHLAND ROYALTY CO					RECEIVED: 01/15/81 JA: WY 5			
8113517	W 327-0	4900921554	103		SPEARHEAD RANCH #16	SPEARHEAD RANCH	80.0	MOUNTAIN FUEL SUPPLY
-TOM BROWN INC					RECEIVED: 01/15/81 JA: WY 5			
8113516	W 324-0	4901320949	102		TRIBAL # 12-34	WILDCAT	40.3	MONTANA-DAKOTA UTILI
8113518	W 328-0	4901320725	102		TRIBAL-CHEVRON # 30-11	MUDDY RIDGE	941.7	MONTANA-DAKOTA UTILI
-W E SAUER OIL & GAS CO					RECEIVED: 01/15/81 JA: WY 5			
8113510	W 177-0	4901320255	103		ACKERMAN-FEDERAL 22-13	CASTLE GARDEN	180.0	KANSAS-NEBRASKA NATU

OTHER PURCHASERS

8113288	CHASE GATHERING SYSTEMS INC
8113289	CHASE GATHERING SYSTEMS INC
8113290	CHASE GATHERING SYSTEMS INC
8113291	CHASE GATHERING SYSTEMS INC
8113292	CHASE GATHERING SYSTEMS INC
8113293	CHASE GATHERING SYSTEMS INC
8113294	CHASE GATHERING SYSTEMS INC
8113295	CHASE GATHERING SYSTEMS INC
8113318	CHASE GATHERING SYSTEMS INC
8113513	WESTERN GAS PROCESSORS LTD
8113534	MONTANA DAKOTA UTILITIES CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before February 27, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-4934 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Proposed Procedures for Handling Cases Pending Before OHA Affected by the President's Action Regarding Decontrol

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Proposed Departmental Determination with Respect to Applications for Prospective Exception Relief from or Appeals from Orders Issued under the Mandatory Petroleum Price and Allocation Regulations.

The Department of Energy has tentatively decided that because of the decontrol of crude oil and refined petroleum products, applications now pending before the Office of Hearings and Appeals seeking prospective exception relief from the Mandatory Petroleum Price and Allocation Regulations may be moot. The Office of Hearings and Appeals intends to dismiss pending applications in these categories—*i.e.*, those in which exception relief is sought from these regulations if the relief would be effective for a period beginning after January 28, 1981. At the present time, approximately 1800 applications for exception relief are pending at the National Office of Hearings and Appeals and its five Regional Centers. The vast majority of those applications seek relief which is prospective in nature.

On January 28, 1981, President Reagan signed Executive Order 12287 effectuating decontrol. As a result of the Executive Order, with a few limited exceptions, the regulatory scheme applicable to the pricing and allocation of crude oil, propane and motor gasoline (10 CFR Parts 211 and 212) should have no effect upon persons previously subject to those rules, and it is believed that exception relief is no longer appropriate, nor could it be implemented, for periods after January 28, 1981. Consequently, the OHA intends to dismiss cases in the following categories:

(1) Applications for exception relief that seek relief for a period of time beginning after January 28, 1981;

(2) Objections to a Proposed Decision and Order in which prospective relief was initially denied, or in which exception relief was tentatively granted and not implemented immediately;

(3) Applications for extension of exception relief for periods after January 28, 1981.

Parties to each proceeding in these categories are being served with notice of the proposed action in the form of a proposed dismissal order, and each party is being given an opportunity to comment on the appropriateness of the proposed action.

The Office of Hearings and Appeals plans to continue to issue decisions in cases where (1) the applicant requests exception relief for a period prior to January 28, 1981; or (2) the relief granted in a Proposed Decision has been implemented prior to January 28, 1981, and an aggrieved party has filed an objection to the Proposed Decision.

With respect to appeal cases, the Office of Hearings and Appeals requests comments as to whether the issues raised in those cases are now moot. The Office of Hearings and Appeals also requests comments regarding whether and the manner in which relief can be implemented in appeal cases. The comments may also suggest alternative forms of relief that do not require resort to the mechanisms of the regulations affected by the Executive Order.

We recognize that there may be appeals, objections, or applications for retroactive exception relief that fall into the above categories and have not yet been filed. Applicants should carefully consider the above factors and discuss them in detail should they file new cases with the Office of Hearings and Appeals.

The OHA solicits and will accept and consider written comments regarding the appropriateness of the actions proposed above. These comments may be general in nature, applying to all or a portion of cases in the foregoing categories, or they may apply to a particular proceeding, in which case the specific case number should be referred to on the envelope and on the top of the first page of the enclosure. We request that all comments, whether they relate to cases pending before the National Office of Hearings and Appeals or an OHA Regional Center, be addressed to the National Office at the following address: Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Comments that do not relate to specific proceedings pending before the National OHA should be addressed to Roger J. Klurfeld at the same address. Commenting parties are requested to submit two copies of their comments to the Office of Hearings and Appeals and to serve copies of their comments on all parties to the proceeding to which the comments relate. Those comments should be filed with the Office of Hearings and Appeals no later than Tuesday, March 3, 1981. For further information regarding the procedures for disposition of these cases and the filing requirements for comments, please contact Roger J. Klurfeld, Assistant Director, Office of Hearings and Appeals, at (202) 653-3150.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385. Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91. Energy Policy and Conservation Act, Pub. L. 94-164, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91. Department of Energy Organization Act, Pub. L. 95-91. E.O. 11790, 39 FR 23185, E.O. 12009, 42 FR 46267, E.O. 12287, 46 FR 9909)

Issued in Washington, D.C., February 9, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-5003 Filed 2-11-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51224; TSH-FRL 1752-1]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 59(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by PMN 80–373, February 27, 1981. PMN 81–12, March 15, 1981. PMN 81–18, March 16, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St. SW., Washington, DC 20460 (202–755–8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460 (202–426–8815).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 505444—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA had decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–447, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51224]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: February 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 80–373

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. March 23, 1981.

Manufacturer's Identity. Martin Marietta Corporation, 6801 Rockledge Drive, Bethesda, MD 20034.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Reaction product of 4-nitrosophenol, hydroxybenzene, and an oxo alkane with sodium sulfide ($Na_2(S_x)$).

Use. Industrial textile dye.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	4,000	40,000
1982	6,000	80,000
1983	8,000	80,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure

Activity and exposure route(s)	Maximum number exposed	Maximum duration		Concentration (ppm)	
		Hours/day	Days/year	Average	Peak
Manufacture: Dermal	6	12	180	0–1	>100
Processing: Dermal	10	8	260	0–1	>100
Disposal: Dermal	4–8	8–12	180–260	0–1	1–10

Environmental Release/Disposal. The manufacturer states that at a site controlled by the submitter, less than 10 kilograms (kg)/yr of the PMN substance will be released into the air; from 1,000 to 10,000 kg/yr will be released to the land in a North Carolina permitted landfill; and from 10 to 100 kg/yr will be released 24 hr/da, 365 da/yr, to water after waste stream treatment in an NPDES permitted facility at the plant site.

The manufacturer estimates that for all use at sites not controlled by the submitter, less than 10 kg/yr will be released into the air, from 10–100 kg/yr into the land, and from 100–1,000 kg/yr into the water.

PMN 80–12

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 14, 1981.

Manufacturer's Identity. Kendall Company, 1 Federal Street, Boston, MA 02101.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic copolymer adhesive.

Use. General purpose film splicing and label protection.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Solubility:

In water—Negligible.

In organic solvents—Partially crosslinked.

Particle size—Approximately 2000 A.

Toxicity Data. Primary skin irritation (albino rabbits)—Minimally irritating.

Exposure. The manufacturer states that manufacture and processing of the new substance at a site controlled by the submitter will dermally expose from 5 to 25 workers for 8 hr/da, 50 da/yr, at average and peak concentrations of more than 100 mg/m³. Contact would be accidential, limited to exposure during drumming of substance, coating, slitting, and packaging of tape.

Consumer and commercial use of the new polymer will constitute minimal dermal exposure in normal use.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new substance into the air, land, or water.

PMN 80–18

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. April 15, 1981.

Manufacturer's Identity. Kendall Company, 1 Federal Street, Boston, MA 02101.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Maleic half ester of exthoxlyated aliphatic alcohol emulsifier.

Use. Surfactant for emulsion polymerization.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Color, appearance—Viscous, pale yellow liquid.

Viscosity—200 cp at room temperature.

Solubility—Soluble in alcohols, ketones, toluene.

Toxicity Data

Acute oral LD_{50} (female rats)—3.31 g/kg.

Acute oral LD_{50} (male rats)—4.20 g/kg.

Primary eye irritation study (rabbits) without a washout—Severely irritating.

With a washout 30 seconds after instillation—Moderately irritating.

Acute dermal toxicity (abraded rabbit skin)—Severely irritating, no mortality at 2.0 g/kg.

Exposure. The manufacturer states that manufacture and processing of the new substance at a site controlled by the submitter, a maximum of 6 to 12 workers would be exposed dermally for 8 hr/da, 20 to 50 da/yr to the new substance at average and peak concentrations of more than 100 mg/m³.

The submitter states that exposure of consumers and commercial users to the new chemical will be negligible.

Environmental Release/Disposal. The manufacturer anticipated no release of the new substance into the air, land, or water.

[FR Doc. 81-4900 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59042A; TSH-FRC 1751-8]

Poly (Ester)-Co-Poly (Hydantoin Poly Ether); Approval of Test marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On December 19, 1980, EPA received an application for a test making exemption (T–80–47) from the premanufacturing notification requirements of section 5 of the Toxic Substances Control Act (TSCA). The manufacturer has claimed its identity confidential. EPA hs determined that the manufacturer's test marketing of this chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted this manufacturer an exemption from the TSCA premanufacture reporting requirements for test marketing of the substance in the manner described in the application.

FOR FURTHER INFORMATION CONTACT: Rachel S. Diamond, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–221, Washington, D.C. 20460 (202–426–3980).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any

unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

The application wa assigned test marketing exemption number T–80–47. However, due to administrative error, EPA failed to publish in the **Federal Register** notice of receipt of the application. Interested persons will hae on or before March 16, 1981 to submit comments on this test marketing exemption.

The manufacturer claimed its identity, the specific chemical identity, and the specific use as confidential business information.

The substance is decribed generically as poly (ester)—copoly—(hydantoin poly ether); its generic use is in textile fibers. Eight thousand, eight hundred pounds of the substance will be manufactured to be provided to one customer during a test marketing period not to exceed one year. EPA has established that the test marketing of the substance described in T–80–47, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance. There was some concern about the possible health effects of exposure to one of the feedstocks for the TME substance. However, the Agency believes that exposure to this feedstock will be minimal.

No significant worker exposure is expected during manufacture. The product will be manufactured in a closed system. During processing and industrial use, 2 workers will be exposed to the TME substances. One worker will be exposed for 356 hours total, and the other for 440 hours total. Consumer exposure to the substance in T–80–47 will be dermal and minimal; and dermal testing has shown the material to be non-irritating and non-sensitizing. Environmental release of the substance will be low and is not judged to be a concern.

Based on the facts and information obtained and reviewed, EPA grants the manufacturer a test marketing exemption for T–80–47, effective on February 4, 1981 but subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer specified in the application who will test market the substance, and the quantities shipped in each shipment, and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 8,800 pounds described in the test market application.

5. The test marketing activity approved in this notice is limited to a one year period commencing on the date of publication of the notice in the **Federal Register.**

6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.

7. The public will have on or before March 16, 1981, to submit comments on this test marketing exemption. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of the sustance will not present an unreasonable risk of injury to human health or the environment.

Dated: February 4, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81-4899 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-31-M

[AD-FRL 1752-5]

Control Techniques Guideline Documents: Volatile Organic Liquid Storage; Synthetic Organic Chemical Manufacturing Industry Fugitive Emissions; Petroleum Solvent Dry Cleaning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of draft documents for public review.

SUMMARY: Draft control techniques guideline documents for three stationary source categories of volatile organic chemical emissions are available for public review and comment. These documents have been prepared to assist States in adopting regulations requiring reductions in emissions of volatile organic chemicals from existing stationary sources through use of reasonably available control technology.

DATES: Comments should be submitted, in duplicate if possible, to Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Fred Porter, on or before March 20, 1981. Comments will be available for public inspection and copying between 8:30 and 4:00 p.m., Monday through Friday, at the Office of the Director, Room 741, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

Open Meeting

An open meeting of the National Air Pollution Control Techniques Advisory Committee will be held on March 17 and 18, 1981, starting at 9:00 a.m. in the Royal Villa Hotel, Raleigh, North Carolina.

Request To Speak at Meeting

Individuals wishing to speak at the open meeting should contact Ms. Mary Jane Clark; (919) 541–5271; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711, by March 10, 1981.

Control Techniques Guideline Documents

Copies of the control techniques documents may be obtained by contacting Mrs. Naomi Durkee; (919) 541–5331; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter; (919) 541–5331; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 require each State in which there are areas exceeding the national ambient air quality standards (NAAQS) to adopt and submit revised State implementaion plans (SIP) to EPA. Revised SIP's were required to be submitted to EPA by January 1, 1979. States which were unable to demonstrate attainment with the NAAQS for ozone by the statutory deadline of December 31, 1982, could request extensions for attainment with the standard. States granted such an extension are required to submit a further revised SIP by July 1, 1982.

Sections 172 (a)(2) and (b)(3) of the Clean Air Act require that nonattainment area SIP's include reasonably available control technology (RACT) requirements for stationary sources. As explained in the "General Preamble for Proposed Rulemaking on Approval of State Implementation Plan Revisions for Nonattainment Areas" (44 FR 20372, April 4, 1979) for ozone SIP's, States may defer the adoption of RACT regulations on a category of stationary sources of volatile organic compounds (VOC) until EPA publishes a control technique guideline (CTG) for that VOC source category. (see also 44 FR 53761, September 17, 1979). This delay allowed the States to make more technically sound decisions regarding the application of RACT.

CTG documents provide State and local air pollution control agencies with an information base for proceeding with development and adoption of regulations which reflect RACT for specific stationary sources. Consequently, CTG documents review existing information and data concerning the technology and cost of various control techniques to reduce emissions. CTG documents also identify control techniques and suggest emission limitations which are considered the "presumptive norm" broadly representative of RACT for the entire stationary source category covered by a CTG document.

CTG documents are, of necessity, general in nature and do not fully account for variations within a stationary source category. RACT, however, is defined as the lowest emission limitation that a particular source is capable of meeting by the application of emission control technology that is reasonably available considering technical and economic feasibility. Thus, a number of reasons may exist for regulations developed by States to deviate from the "presumptive norm" included in a CTG document. The CTG document, however, is a part of the rulemaking record which is considered in reviewing revised SIP's, and the information and data contained in the document are highly relevant to EPA's decision to approve or disapprove a SIP revision. Wehre a State adopts emission limitations that are consistent with the information in the CTG's, it may be able to rely solely on the information in the CTG to support its determination of RACT. Where this is not the case, the State must include documentation with its SIP revision to support and justify its RACT determination.

Eleven CTG documents (Group I) covering 15 stationary source categories were published in 1977. A regulatory guidance document including model regulations for these 15 stationary source categories was also published to assist State and local agencies in developing specific regulations. Ten CTG documents (Group II) covering an additional 10 stationary source categories were published in 1978. A regulatory guidance document including model regulations for these 10 stationary source categories was also published to assist State and local agencies.

A third group of CTG documents will be published in 1981. The final policy on approval of 1982 ozone SIP's requires that RACT regulations for the source categories covered by the third group of CTG's, as well as for other major sources, be submitted in the 1982 SIP revisions (46 FR 7182, January 22, 1981). Only those areas which request an extension of the attainment date beyond December 31, 1982, however, must adopt and submit RACT regulations for Group III CTG sources.

Draft CTG documents for volatile organic chemical storage, synthetic organic chemical manufacturing industry fugitive emissions, and petroleum solvent dry cleaning have been prepared. A model regulation is included in these draft CTG documents based upon the "presumptive norm" considered broadly representative of RACT for the entire stationary source category covered by the CTG document. The sole purpose of this model regulation is to assist and guide State and local agencies in development and adoption of regulations for specific stationary sources. Consequently, this model regulation is not to be construed as rulemaking.

These CTG documents are being released in working draft form to achieve two objectives. First, to provide an opportunity for public review and comment on the information and regulatory guidance contained in the documents; and second, to provide as much assistance and lead time as possible to State and local agencies preparing RACT regulations for specific stationary sources covered by the CTG document. Comments received by the close of the public comment period will be considered in preparing final CTG documents from the draft documents released today.

Dated: February 5, 1981.

Paul Stolpman,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-4946 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-26-M

[AD-FRL 1752-4]

National Air Pollution Control Techniques Advisory Committee Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on March 17 and 18, 1981, at the Royal Villa Hotel, Royal King Hall I, 6339 Glenwood Avenue, Raleigh, North Carolina 27612. The commerical telephone number is (919) 782-4433.

The tentative agenda for the meeting is as follows:

March 17 (Tuesday)—9:00 a.m.

Arsenic from Copper Smelters, National Emission Standards for Hazardous Air Pollutants (Section 112)

Petroleum Solvent Dry Cleaning, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

March 18 (Wednesday)—9:00 a.m.

Volatile Organic Liquid Storage Vessels, Control Techniques Guidelines for Volatile Organic Compounds [Section 101(b) and 103]

Synthetic Organic Chemcial Manufacturing Industry—Fugitive Emissions, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by March 10, 1981. The commerical telephone number is (919) 541-5271, and the FTS number is 629-5271.

The docket containing material relevant to arsenic from copper smelters (A-80-40) is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: February 5, 1981.

Paul Stolpman,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-4947 Filed 2-11-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-24]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: February, 3, 1981.

Cut-off Date: March 9, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after March 9, 1981. An application, in order to be considered with any application appearing on the attached list or with any other on file by the close of business on March 9, 1981, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the close of business of March 9, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on March 9, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP-790510AB, WADK, Newport, Rhode Island, Key Stations, Inc. Has: 1540 kHz, 1 kW,D. Req: 1540 kHz, 2.5 kW, DA-N,U.

BP-800321AB, WMEL, Melbourne, Florida, Elyria—Lorain Broadcasting Co. Has: 920 kHz, 1 kW, DA-N, U. Req: 920 KHz, 1 kW, 5 kW-LS, DA-2,U.

BP-800401AE, WKEX, Blacksburg, Virginia, Radiomedia Corporation. Has: 1430 kHz, 1 kW,D. Req: 1430 kHz, 5 kW, DA-2,U.

BP-800410AB, WQIO, Canal Fulton, Ohio, Douglas Properties Corporation. Has: 1060 kHz, 5 kW, DA-D (Canton). Req: 1070 kHz, 500 W, 1 kW, DA-2,U (Canal Fulton).

BP-800801AA, WJBY, Rainbow City, Alabama, Gadsden Broadcasting Co., Inc. Has: 930 kHz, 5 kW,D (Gadsden). Req: 930 kHz, 500 W, 5 kW-LS,DA-N,U (Rainbow City).

BP-800806AE, KDOM, Windom, Minnesota, Windom Radio Corporation. Has: 1580 kHz, 250 W, DA-D. Req: 1580 kHz, 1 kW, DA-D.

BP-800827AC, KISD, Phoenix, Oregon, CBF Broadcasting Co. Has: 860 kHz, 1 kW, D (Medford). Req: 880 kHz, 1 kW,U (Phoenix).

BP-800904AE, KIEV, Glendale, California, Southern California Broadcasting Company. Has: 870 kHz, 5 kW, D. Req: 870 kHz, 1 kW, 5 kW-LS,DA-N,U.

BP-801012AD, NEW, Lafayette, Louisiana, Jackson & Chaisson Broadcasting Systems, Inc. Req: 770 kHz, 0.5 kW, 1 kW-LS,DA-N,U.

BP-801113AD, NEW, Portland, Oregon, Northwest Indian Women Broadcasters, Inc. Req: 660 kHz, 1 kW, 50 kW-LS,U.

BP-801219AA, KYST, Texas City, Texas, Henderson Broadcasting Corp. Has: 920 kHz, 1 kW, D. Req: 920 kHz, 1 kW, 5 kW-LS, DA-2,U.

BP-801231AB, NEW, Simi Valley, California, Manuel A. Cabranes. Req: 670 kHz, 1 kW, DA-1,U.

[FR Doc. 81-4875 Filed 2-11-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-115]

First City Federal Savings and Loan Association; Bradenton, Florida; Final Action; Approval of Conversion Applications

Dated: February 9, 1981.

Notice is hereby given that on January 21, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-32, approved the application of First City Federal Savings and Loan Association, Bradenton, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Suervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal Building, 250 Peachtree Center, NW., Atlanta, Georgia 30343.

By the Federal Home Loan Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-5009 Filed 2-11-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-114]

Fort Wayne Federal Savings and Loan Association; Fort Wayne, Indiana; Final Action; Approval of Conversion Application

Dated: February 9, 1981.

Notice is hereby given that on January 9, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-12, approved the application of Fort Wayne Federal Savings and Loan Association, Fort Wayne, Indiana, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Indianapolis, 1350 Merchants Plaza, South Tower, 115 West Washington Street, Indianapolis, Indiana 46206.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-5010 Filed 2-11-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 7, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

CITICORP, New York, New York (commercial lending activities; Eastern Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont): to engage through its subsidiary Citicorp Industrial Credit,

Inc., in making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit. Such activities would be conducted from an office in Boston, Massachusetts, serving the states identified in the caption above.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

UNITED BANCSHARES, INC., Tulsa, Oklahoma (insuance activities; Oklahoma): to engage, through its subsidiary United Bancshares Insurance Agency, Inc., in acting as agent for the sale of credit or mortgage life insurance and credit or mortgage accident and health insurance directly related to extensions of credit by Applicant's subsidiary bank. This activity would be conducted from an office in Tulsa, Oklahoma, serving Tulsa County.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5006 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than March 6, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CITICORP, New York, New York (financing activities, mortgage lending; California): to expand the previously approved activities of an existing office of its indirect subsidiary, Citicorp Homeowners, Inc., located in Orange, California, to include the making, acquiring, and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate. The previously approved activities include the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate. The previously approved service area of the office, comprised of the metropolitan Orange area, will also be expanded to include the entire state of California for all the activities of the office.

2. CITICORP, New York, New York (financing activities, mortgage lending; Ohio and California): to expand the service areas of four existing offices of its indirect subsidiary, Citicorp Homeowners, Inc., located in the cities of Parma and Springdale, Ohio, and Van Nuys and Riverside, California, to include the entire state in which the offices are located, respectively. The previously approved service area of each office is comprised of the metropolitan area in which the office is located. The previously approved activities of these offices are the making, acquiring, and servicing of second liens on residential real estate.

3. CITICORP, New York, New York (financing activities, mortgage lending; Illinois): to expand the activities of an existing office of its indirect subsidiary, Citicorp Homeowners, Inc., located in Schaumberg, Illinois, to include the making, acquiring, and servicing, for its own account and for the account of others, extensions of credit secured by liens on residential real estate, and to expand the previously approved service area of the office to include the entire state of Illinois for all activities. Previously approved activities of the office are the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, February 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5007 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

Community Bankshares, Inc.; Formation of Bank Holding Company

Community Bankshares, Inc., Cornelia, Georgia, has applied for the Board's approval under section 3(a)(1) of the bank Holding Compoany Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Cornelia Bank, Cornelia, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 5, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5004 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

Madill Bancshares, Inc.; Formation of Bank Holding Company

Madill Bancshares, Inc., Madill, Oklahoma, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Madill Bank and Trust Company, Madill, Oklahoma. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in

writing to the Reserve Bank, to be received not later than March 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5005 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancorporation; Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Ripon, Ripon, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 6, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-5006 Filed 2-11-81; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0256]

Report Requirements; Annual Report of Foreign Banking Organizations Foreign Banking Organization Confidential Report of Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final report forms.

SUMMARY: The Board of Governors of the Federal Reserve System has adopted final forms for submission by foreign banks that conduct a banking business in the United States through branches, agencies, subsidiary banks or commercial lending companies. These forms are the Annual Report of Foreign Banking Organizations, Form F.R. Y-7, and the Foreign Banking Organization Confidential Report of Operations, Form F.R. 2068. The reports replace the current Form F.R. Y-7 which had been filed only by those foreign banking organizations that owned commercial banks in the United States. A proposed F.R. Y-7 was published for comment in November 1979, and in response to comments received the Board adopted the modified Annual Report. In addition, the Board adopted a new report form, F.R. 2068. The information collected by these reports is designed to assist the Board in assessing the condition of the foreign banking organization as it may affect its U.S. banking operations. Collection of the reports is authorized by the Bank Holding Company Act of 1956 and the International Banking Act of 1978.

The forms will be filed with the Federal Reserve System annually 120 days after the end of the foreign banking organization's fiscal year. A foreign banking organization whose fiscal year ends during the period from October, 1980 through February, 1981 shall file its initial reports by June 30, 1981. All other foreign banking organizations shall file reports within 120 days of their next fiscal year-end. Form F.R. Y-7 shall be filed with the Federal Reserve Bank of the District in which the foreign banking organization's United States banking business is largest. Form F.R. 2068 shall be filed directly with the Board's Division of Banking Supervision and Regulation. While the reports are intended to provide information sufficient to monitor an organization's condition on an ongoing basis, the Board also reserves the right to require the filing of additional statements and information if such would assist the Board in carrying out its responsibilities.

FOR FURTHER INFORMATION CONTACT: Stephen M. Lovette, Senior Financial Analyst, Division of Banking Suprvision and Regulation (202/452-3622); or Kathleen O'Day, Attorney, Legal Division (202/452-3786), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: The Board proposed the new annual reporting requirement in order to fulfill its supervisory and regulatory responsibilities under the Bank Holding Company Act ("BHCA") and the International Banking Act. The proposed report was intended to enable the Board to determine the organization's compliance with U.S. laws and regulations and to assess the ability of the organization to serve as a source of strength to its U.S. banking operations. The proposed report requested a significant amount of financial and organizational information on the worldwide operations of the foreign banking organization.

Substantial adverse comment was received on the report as proposed. The two major areas of criticism were the amount and type of financial and shareholder information requested and the lack of a guarantee of confidentiality for information submitted. In response to the comments received and in an effort to reduce the substantial burden that the proposed report would have imposed, the Board has adopted final report requirements that address these concerns without impairing the supervisory and regulatory usefulness of the reports. Foreign banking organizations will be required to submit two reports on an annual basis, a modified form F.R. Y-7, and a new report, Confidential Report of Operations, Form F.R. 2068. The reports do not impose additional informational requirements beyond those that were proposed for comment.

Form F.R. Y-7.—The Annual Report is in two sections. Section I requests financial statements that are prepared for disclosure in the home country of the reporting organization together with an explanation of the accounting principles used in preparation of these statements. There is no requirement that the statements be prepared in accordance with generally accepted accounting principles in the U.S. The reporting organization must also submit an organization chart of its U.S. operations, and financial statements for any U.S. nonbanking company that it controls. The report requests that the foreign banking organization provide information on its voting securities, including the number of such securities issued, a description of the voting rights that attach to those securities, and an explanation of home country requirements with respect to registration of bearer securities. The report also requests a list of all shareholders that control five percent or more of the organization's voting securities. Many foreign banking organizations indicated that they do not know the identity of five percent shareholders where the securities are held in bearer form. The report has been modified to require that, when securities are held in bearer form, shareholders need be identified only to the extent that they are known to the foreign banking organization. The

proposed report also requested that the foreign banking organization list all shareholdings of its officers and directors in the foreign banking organization and in any U.S. company in which the foreign banking organization controlled more than five percent of the shares. The report as adopted requires reporting of such shareholdings on an aggregate, rather than an individual, basis.

Section II of the F.R. Y-7 requests information on nonbanking activities conducted by the foreign banking organization in the United States. The amount of information requested has been significantly reduced from that requested by the proposed report, in that the organization need not provide an asset, revenue or income breakdown by individual activity conducted by a U.S. company. The information requested by this section is intended to assist in determining an organization's compliance with the nonbanking provisions of the BHC Act and the Board's Regulation K (12 CFR Part 211).

Foreign Banking Organization Confidential Report of Operations, Form F.R. 2068.—The new Confidential Report of Operations requests much of the information that was requested in Section II of the original proposal. The proposed report received substantial adverse comment from foreign banking organizations and foreign bank supervisory authorities concerning the lack of assurances with respect to confidentiality. Much of the information requested by the proposed report is not made available by foreign banking organizations to shareholders or to the public, and in some instances is not provided routinely even to home country supervisors. In recognition of the nature of the information requested and the fact that it is not available to the public from any source, the Board has determined to collect the information in the form of a report of operations. The information will be used to enable the Board to carry out its supervisory responsibilities by allowing the Board to assess the impact of the worldwide operations of a foreign banking organization on its U.S. banking business. The Board is of the opinion that the F.R. 2068 is exempt from disclosure under section (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)). Board staff has consulted with the Director of the Office of Information Law and Policy of the Department of Justice who concurs in the opinion that the Confidential Report of Operations may be withheld under exemption (b)(8). The material collected in the report will be used solely by the Board in its supervisory capacity. However, the Board may, when requested, provide information from the report to another Federal or a State banking authority that has supervisory responsibilities with respect to a foreign banking organization. The Board has determined to amend its Rules Regarding Availability of Information to ensure that any information that is shared with another supervisory authority is held strictly confidential.

The Confidential Report of Operations requests an organization chart detailing all foreign companies in which the foreign banking organization directly or indirectly owns, controls, or holds with power to vote 25 percent or more of any class of voting stock. The proposal requested foreign banking organizations to provide an earnings statements in a fixed format. This reporting requirement was proposed because many foreign banks report a single net income figure and do not disclose any revenue or expense items. The Board considers that minimum disclosure of significant revenue and expense items is necessary for any financial analysis that will be done by the Federal Reserve. The new proposal requires disclosure of revenues and expenses *as calculated in accordance with local accounting practices.* This will meet the objections raised by those foreign banks that use overdraft accounting and cannot provide interest revenue on a gross basis. The proposal also requests an explanation or general description of the accounting practices used in the recognition and the timing of revenue and expense items.

The reporting requirements with regard to loan loss experience, gains and losses on securities, and hidden reserves, are essentially unchanged. However, greater flexibility has been introduced by requesting that the information be provided in a suggested format rather than a fixed format. The suggested format calls for beginning balances, additions, deductions, and ending balances. The intent of the suggested format is to avoid the submission of net figures, which obscure the magnitude of the transactions and may distort any trend analysis. The report provides flexibility to enable a foreign banking organization to submit requested information in a manner that will not impose any undue burden.

The remaining information requested by the Confidential Report of Operations is financial data on foreign subsidiaries. In the initial proposal, the foreign banking organization was requested to furnish balance sheets, income statements, and statements of changes in capital accounts for all material foreign companies in which the foreign banking organization directly or indirectly owns, controls, or holds with power to vote 25 per cent or more of any class of shares. A company was considered "material" if (1) the investment and advances to the company exceeded 5 percent of the foreign banking organization's equity capital accounts; (2) the company's gross income or revenue exceeded 5 percent of the foreign banking organization's consolidated gross operating income or revenue; or (3) the company's operations resulted in net income or net loss exceeding 5 percent of the consolidated net income of the foreign banking organization. The comments received on this proposal indicated that substantial problems exist with respect to providing this information, particularly with respect to companies in which the foreign banking organization owns between 25 and 50 percent of the shares. The foreign organizations indicated that, as minority shareholders, they did not have access to full financial statements. The Confidential Report of Operations as adopted addresses these objections while maintaining the Board's ability to assess the overall financial condition of the foreign banking organization. The final report requires financial statements on all majority owned, unconsolidated, material foreign companies. The submission of financial statements of unconsolidated, material investments is necessary to allow an analysis of the strength of the foreign banking organization. An additional change deletes the requirement that the foreign banking organization convert the statement to U.S. dollars. The definition of "material" is unchanged from the proposal.

With respect to investments of between 25 and 50 percent in material foreign companies, the report requires the foreign banking organization to provide financial data detailing the companies' total assets, total stockholders' equity and net income. This information should be readily available to a minority shareholder, and will provide an adequate basis for assessing the exposure to the consolidated operations of the foreign banking organization by the investment.

A foreign banking organization is exempt from filing the Confidential Report of Operations if its U.S. branches and agencies have neither total aggregate liabilities to nonrelated parties that exceed $100 million nor total aggregate nonbank deposits, credit balances and liabilities on acceptances that exceed $10 million. Any foreign

banking organization that owns or controls a U.S. commercial bank or maintains a branch insured by the Federal Deposit Insurance Corporation must file the Confidential Report of Operations.

Adoption of Uniform Accounting Principles

The proposal required a foreign banking organization to submit both consolidated and parent-only financial statements including balance sheets, income statements, statements of changes in capital accounts, and statements of changes in financial position. The comments received from the foreign banks focused on the burden imposed by the requirements. While the proposal did not establish uniform criteria for consolidating majority-owned investments, the comments indicated that this reporting requirement implied that the board was imposing U.S. generally accepted accounting principles on foreign banking organizations in requiring consolidated statements.

In revising these reporting requirements, the Board believes that the establishment of uniform accounting criteria is unnecessary if supplemental data is reported on earnings and reserves, and separate financial statements for unconsolidated, material foreign subsidiaries are requested. This financial information is needed to assist in the analysis of financial statements that are not prepared on a uniform basis.

Timing Requirements

The comments received on the proposal stated that the filing deadline of 90 days after an organization's fiscal year-end did not allow sufficient time to collect financial and other information on worldwide operations and/or translate the information into English. Some foreign banks indicated that financial statements are not available until after the annual shareholder meeting which is usually held from four to six months after the fiscal year-end. The comments generally recommended a filing date of six months after fiscal year-end.

The Board-modified the instructions to require submission within four months of the end of the organization's fiscal year. The instructions provide for extensions of time to be granted only on an item-by-item basis. The length of the extension would be based on an assessment of the earliest date when the information can be provided without undue burden or hardship. Experience with current filings by both domestic and foreign organizations indicates that reports are not received until the filing deadline, irrespective of whether the information is available at an earlier date. As adopted, the procedures for granting extensions of time should promote the receipt of some data within a reasonably short period of time.

Tiered Foreign Organizations

In the proposal, a separate report was required of each member of a tiered banking organization. The reports as revised treat a tiered banking organization as a single entity for reporting purposes. The instructions in the reports describe the specific procedures to be followed by tiered foreign banking organizations in filing the Annual Report and the Confidential Report of Operations.

Attached are copies of the reports.

Board of Governors of the Federal Reserve System, February 9, 1981.

James McAfee,

Assistant Secretary of the Board.

BILLING CODE 6210-01-M

F.R. Y-7
Approved by the Federal Reserve Board,
November, 1980
Approval expires November, 1983

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Washington, D.C. 20551

ANNUAL REPORT OF FOREIGN BANKING ORGANIZATIONS

For the fiscal year ending on _____, 19____

Name of foreign banking organization: _____

Address of head office: _____
Street

_____
City Country

Name and address of agent in the United States: _____

_____
Street

_____
City State Zip Code

I, _____
Name Title

an authorized officer or agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____
Signature Date

Name, title, address and phone number of person in the United States to whom questions related to this report may be directed:

_____
Name Title

_____
Address

_____
Area Code Number

Does this Annual Report represent the official filing of other members of a tiered foreign banking organization? Yes ___ No ___
If the response is yes, complete page 2 listing the names of the other members of the tiered foreign banking organization.

This report is required by Section 225.5(b) of Regulation Y (12 C.F.R. 225.5(b)) as authorized by Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) and Sections 8 and 13(a) of the International Banking Act of 1978 (12 U.S.C. 3106 and 3108(a)).

F.R. Y-7
Page 2

For Supplemental Use

(See instructions for filing by Tiered Foreign Banking Organizations)

A. For the fiscal year ending on _____, 19____

Name of foreign banking organization: _____

Address of head office: _____
Street

_____
City Country

Name and address of agent in the United States: _____

_____
Street

_____
City State Zip Code

I, _____
Name Title

an authorized agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____
Signature Date

B. For the fiscal year ending on _____, 19____

Name of foreign banking organization: _____

Address of head office: _____
Street

_____
City Country

Name and address of agent in the United States: _____

_____
Street

_____
City State Zip Code

I, _____
Name Title

an authorized officer or agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____
Signature Date

General Instructions

The Annual Report of Foreign Banking Organizations (F.R. Y-7) is required to be filed by companies that are organized under the laws of a foreign country *and* that are engaged in the business of banking in the United States through subsidiary banks, subsidiary commercial lending companies, or their own branches or agencies. The report requires, in Section I, such Foreign Banking Organizations to submit financial information to assess their ability to be a continuous source of strength and support to their U.S. banking operations. Such Foreign Banking Organizations that are also directly engaged in nonbanking activities in the United States, or indirectly through an investment in a related company, are also required, in Section II, to provide information on their nonbanking activities in the United States so that compliance with applicable statutes and regulations can be assured.

Where completion of the information, as requested, or strict compliance with the specific requirements within the report involves undue burden or expense to the Foreign Banking Organization, the Board of Governors may, upon receipt of a written request submitted through the Federal Reserve Bank prior to the filing date of the Y-7 report, permit the substitution of appropriate information.

Who must report

The report must be submitted by each Foreign Banking Organization, as defined by Section 211.23(a)(2) of Regulation K, including the following:

1. Bank holding company, as defined by Section 2(a) of Bank Holding Company Act of 1956 (BHC Act), that is organized under the laws of a foreign country and is principally engaged in the banking business outside the United States,

2. Foreign bank, as defined by Section 1(b)(7) of the International Banking Act of 1978 (IBA), that maintains a branch or agency in a State of the United States or the District of Columbia and/or owns, controls, or holds with power to vote 25 percent or more of the outstanding voting securities of a commercial lending company organized under the laws of any State in the United States (Article 12, New York Investment Company. A bank organized under the laws of Puerto Rico and defined as a foreign bank by Section 1(b)(7) of the IBA is not required to file.

3. Company, as defined by Section 2(b) of the BHC Act, that is organized under the laws of a foreign country and owns, controls, or holds with power to vote 25 percent or more of the outstanding voting securities, or otherwise controls, as defined by Section 2 of the BHC Act, such foreign bank required to file under (2) above. A foreign government or an agency of a foreign government is exempt from the filing requirement.

A bank holding company, foreign bank, or company that is required to submit the report will herein be referred to as "Foreign Banking Organization."

Section I of the Annual Report requests information on financial and managerial aspects of the Foreign Banking Organization. All Foreign Banking Organizations must complete this section. Section II of the Annual Report requests information concerning nonbanking activities conducted in the United States, either directly or indirectly, by Foreign Banking Organizations. Accordingly, Foreign Banking Organizations that do not engage in U.S. nonbanking activities, directly or indirectly, are not required to complete Section II.

Tiered Foreign Banking Organizations

A single report may be filed by tiered foreign banking organizations. A tiered foreign banking organization exists when a foreign bank and/or foreign company directly or indirectly owns, controls, or holds with power to vote 25 percent or more of a foreign bank that owns, controls, or holds with power to vote 25 percent or more of, or otherwise controls, a bank or a commercial lending company in the United States, or operates a branch or agency in the United States. A tiered foreign banking organization electing to file a single report should complete each report item as specified within the report.

Time and Place of Filing

The report should be filed not later than four months after the end of the Foreign Banking Organization's fiscal year. It is recognized that some Foreign Banking Organizations may not be able to provide responses to all report items within four months. Such Foreign Banking Organizations may request an extension of time to file the report or to file responses to specific report items within the report. The request should be submitted prior to the filing date to the Board of Governors through the Federal Reserve Bank where the report is to be filed. The request should identify the report item or items for which responses cannot be provided within four months, the reasons that the responses will not be available within four months, and when the information will be available for submission to the Board of Governors.

Foreign bank holding companies should file the original and three copies of the report with the Federal Reserve Bank of the District in which the operations are principally conducted, as measured by total deposits held or controlled by it on the date on which it became a bank holding company.

A *foreign bank* as defined by Section 1(b)(7) of IBA that owns, controls, or holds with power to vote 25 percent or more of any class of voting securities, or otherwise controls a bank that is organized under the laws of the United States, any State of

General Instructions - continued

the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the U.S. Virgin Islands shall file as a foreign bank holding company in accordance with the prior instructions.

Foreign banks with U.S. branches, agencies, or commercial lending companies and *foreign companies* directly or indirectly controlling such foreign banks should file an original and three copies of the report with the Federal Reserve Bank of the District in which the U.S. operations are principally conducted, as measured by total U.S. banking assets.

Incorporation by Reference

In order to minimize reporting burden, financial reports prepared for other required reporting purposes or for internal reporting requirements may be submitted, with an English translation, in response to the report items. When such reports are submitted, the response to a specific report item in the F.R. Y-7 should clearly reference the location of the relevant data within those reports.

Confidentiality

The submissions of this report are available to the public upon request on a individual respondent basis.

If any reporting Foreign Banking Organization is of the opinion that disclosure of certain commercial or financial information contained in its submission would likely result in substantial harm to its competitive position or to the competitive position of its subsidiaries, or that disclosure of submitted information of a personal nature would result in a clearly unwarranted invasion of personal privacy, the reporting Foreign Banking Organization may request confidential treatment for such information. This request for confidential treatment must be submitted in writing concurrently with the submission of the Annual Report, and must discuss in detail the justification for each response for which confidential treatment is requested. The reporting Foreign Banking Organization's reasons for requesting confidentiality should demonstrate the specific nature of the harm that would result from public release of the information; simply stating that the information would result in competitive harm or that it is personal in nature is not sufficient.

Information for which confidential treatment is requested should be reported in a separately bound submission, which is labeled "Confidential". This information should be specifically identified in the main submission of the Annual Report as having been submitted separately in the confidential section.

The Board will determine whether information submitted with a request for confidential treatment will be so treated, and will advise the reporting Foreign Banking Organization through the Reserve Bank of any decision to make available to the public any of the information submitted under the submission labeled "Confidential".

Additional Information

The Board of Governors reserves the right to require the filing of additional statements and information if the report as filed is not adequate to appraise the reporting Foreign Banking Organization's ability to be a source of financial and managerial strength and support to its U.S. subsidiary bank, branch, agency, or commercial lending company, or to determine its compliance with applicable laws and regulations.

The reporting Foreign Banking Organization should follow the procedures on confidentiality with regard to the filing of any supplemental information to the Annual Report.

Section I

Financial and Managerial Information

REPORT ITEM 1: Financial Statements of the Foreign Banking Organization

A. Submit financial statements covering the reporting Foreign Banking Organization's last two fiscal years that include or *are equivalent* to:

1. Balance sheets;

2. Income statements; and

3. Statements of changes in capital accounts.

When the specific information requested in this report item is presented in the annual report to shareholders or to other authorities that is submitted in response to Report Item 1B, the responses to this item may incorporate the information in the annual report by referencing its location within the report.

The financial statements should be stated in the local currency of the country in which the head office of the reporting Foreign Banking Organization is located. The financial statements may also be stated in U.S. dollars, but the conversion to U.S. dollars is not required. The statements should be prepared in accordance with local accounting practices; however, an explanation of the accounting terminology and the major features of the accounting standards used in the preparation of the financial statements must be provided. This explanation should include a discussion of the following practices and any other material practices as determined by the reporting Foreign Banking Organization.

1. The accounting principles used for consolidation of investments on a line-by-line basis in the preparation of the financial statements. Comments should address the method and/or criteria by which the majority-owned companies are consolidated on a line-by-line basis and the basis for the carrying value and manner of income recognition of any majority-owned subsidiaries that are not consolidated on a line-by-line basis. The method of valuation of the investments in which the reporting Foreign Banking Organization owns between 20 percent and 50 percent, i.e., historic cost, net asset value (book value), market value, or appraised value and the manner of the recognition of income should be included.

2. The accounting practice used in the valuation, e.g., historic cost, net asset value (book value), market value, or appraised value, of short-term investments, long-term investments, and fixed assets. The comments should disclose the manner of the recognition of increases and/or decreases in the value of the assets.

3. The recording of guarantees, letters of credit, contingencies, leases, pension obligations, and other similar accounts on the books of the reporting Foreign Banking Organization. The explanation should indicate whether such accounts are carried as assets and/or liabilities on the reporting Foreign Banking Organization's financial statements, are disclosed as footnotes to the financial statements, or are undisclosed.

4. The method utilized in the translating of foreign currency transactions and foreign currency financial statements with respect to current assets, long-term investments, fixed assets, long-term debt, and forward exchange contracts. The discussion should also include the method of recognition of any gains or losses resulting from such translation and the effect of the translation upon the recognition of revenue and expense and the determination of net income.

5. The method by which interest revenue and interest expense are recorded on the books of the reporting Foreign Banking Organization. The accounting principles and the manner of income and expense recognition underlying the use of overdraft accounting.

In subsequent filings, the Foreign Banking Organization should only describe changes in accounting standards or policies adopted or terminated since the prior filing.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 1A for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

B. Submit a copy of the most recent annual report prepared for the shareholders or other authorities of the reporting Foreign Banking Organization. The report should be accompanied by an English translation.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 1B for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

REPORT ITEM 2: Financial Statements of Related U.S. Companies

The reporting Foreign Banking Organization must submit information for each company, organized under the laws of the United States—other than a U.S. bank, a commercial lending company, or a company acquired pursuant to Section 25 or Section 25(a) of the Federal Reserve Act (Edge and Agreement

Section I

Financial and Managerial Information - continued

Corporations and their investments)—that it either directly or indirectly through another company owns, controls, or holds with power to vote 25 percent or more of the shares or their equivalent, or otherwise controls. The required information shall consist of financial statements covering the company's last two fiscal years that include:

1. Balance sheets;

2. Income statements; and

3. Statements of changes in capital accounts.

Such statements should be prepared in accordance with generally accepted accounting principles as practiced in the United States. They should be stated in U.S. dollars. However, in lieu of submitting separate financial statements for each related U.S. company, a consolidated financial statement of related U.S. companies may be submitted that consolidates such a related U.S. company and its direct and indirect *majority-owned* U.S. investments on a line-by-line basis. Any consolidated statement that is submitted should indicate the name and the address of the head office of each company consolidated within the financial statement. Financial Statements of related U.S. companies held as a result of a debt previously contracted, held in a fiduciary capacity, or held solely as collateral securing an extension of credit, need not be submitted.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 2 for the top tiered Foreign Banking Organization.

REPORT ITEM 3: Organization Chart

Submit an organization chart showing the reporting Foreign Banking Organization and all related U.S. companies, both banking and nonbanking, and foreign companies that engage in business in the United States in which 25 percent or more of the voting securities are directly or indirectly owned, controlled, or held with power to vote, or which are otherwise controlled, by the reporting Foreign Banking Organization. Related companies that engage in business in the United States by virtue of Section 2(h) or Section 4(c)(9) of the Bank Holding Company Act of 1956, as amended, should be shown and indicated as such, together with their direct foreign shareholders relied upon for exemption under the Sections. Related U.S. Companies held as a result of a debt previously contracted, held in a fiduciary capacity, or held solely as collateral securing an extension of credit should not be included.

The chart should disclose the name, address of head office, and the percentage ownership (by the direct shareholder) of each class of voting stock or other form of control of each related company.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 3 for the top tiered Foreign Banking Organization.

REPORT ITEM 4: Shares and Shareholders

A. List the number and type of shares, or their equivalent that the reporting Foreign Banking Organization has authorized, issued, or holds for its own account. In addition, the voting rights of each type of shares and any agreements that limit the voting of such shares should be described. When the reporting Foreign Banking Organization has bearer shares outstanding, describe the regulations requiring registration of the ownership of such bearer shares by a shareholder with the reporting Foreign Banking Organization and/or the appropriate regulatory agency.

B. List each shareholder, or the equivalent thereof, of record that directly or indirectly owns, controls, or holds with power to vote 5 percent or more of any class of nonbearer voting securities of the reporting Foreign Banking Organization. The beneficial owner, in addition to the shareholder of record, should be listed, to the extent ascertainable, when the beneficial ownership is 5 percent or more. Provide the following for each:

1. Name and address of principal residence for individuals or office for companies;

2. Country of citizenship or of organization; and

3. Number and percentage of each class of voting nonbearer securities, or the equivalent thereof, owned, controlled, or held with power to vote.

C. List each known shareholder that directly or indirectly owns, controls, or holds with power to vote 5 percent or more of any class of bearer securities of the reporting Foreign Banking Organization. Provide the following for each:

1. Name and address of principal residence for individuals or office for companies;

2. Country of citizenship or of organization; and

3. Number and percentage of each class of voting bearer securities, or the equivalent thereof, owned, controlled, or held with power to vote.

Section I

Financial and Managerial Information - continued

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 4 for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

REPORT ITEM 5: Directors and Officers

List each director[1] and executive officer,[2] or their equivalent, of the Foreign Banking Organization showing the following:

A. Name and address of principal residence;

B. Country of citizenship;

C. Principal occupation, if other than with the reporting Foreign Banking Organization.

D. For the listed directors and executive officers taken in the aggregate, report the number and percentage of each class of voting securities, or the equivalent thereof, owned, controlled, or held with power to vote of:

1. the reporting Foreign Banking Organization; and

2. each related company reported in response to Section II, Report Item 2.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 5 for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

1. The term "director" includes members of both the managing and supervisory boards.

2. The term "executive officer" has the same general meaning assigned such term under Regulation O (12 C.F.R. 215). Section 215.2(d) states that an "executive officer" of a company or bank means a person who participates or has authority to participate (other than in the capacity of a director) in major policymaking functions of the company or bank, whether or not: (1) the officer has an official title, (2) the title designates the officer as an assistant, or (3) the officer is serving without salary or other compensation. The chairman of the board, the president, the senior vice presidents, the cashier, the secretary, and the treasurer of a company or bank are considered executive officers, unless (1) the officer is excluded, by resolution of the board of directors or by the bylaws of the bank or company, from participation (other than in the capacity of a director) in major policymaking functions of the bank or company, and (2) the officer does not actually participate therein.

Section I

Financial and Managerial Information - continued

REPORT ITEM 6: Eligibility as a Qualified Foreign Banking Organization

To qualify for exemption from the nonbanking prohibitions of the Bank Holding Company Act, a Foreign Banking Organization must be "principally engaged in the banking business outside the United States." By regulation, a Foreign Banking Organization qualifies if more than half of its worldwide business (excluding its United States banking business) is banking; and more than half of its worldwide banking business is outside the United States.

The top-tiered reporting Foreign Banking Organization must provide financial data on the size of its worldwide nonbanking business activities, its foreign banking activities, and its U.S. banking activities, as measured by total assets, revenues or net income. The top-tiered Foreign Banking Organization must choose two of these three financial items to measure the size of its business activities.

For purposes of determining total assets, revenue, and net income, the top-tiered reporting Foreign Banking Organization must use either a consolidated basis or a combined basis. The Foreign Banking Organization must include the total assets, revenues, and net income of all companies in which it owns 50 percent or more of the voting shares for purposes of determining total assets, revenues, and net income. The foreign banking organization may include the total assets, revenues, and net income of companies in which it owns 25 percent of more of the voting shares if all such companies within the organization are included.

The top-tiered reporting Foreign Banking Organization must respond to both (A) and (B) below and provide a general description of the accounting basis used to derive the financial data.

A. For the worldwide business activities, respond to two of the following three items.

	Amounts in local currency or U.S. Dollars
1. Assets	
a. Total Worldwide Nonbanking	
b. Total Foreign Banking[3]	
2. Revenues Derived from:	
a. Total Worldwide Nonbanking	
b. Total Foreign Banking[3]	
3. Net Income Derived from:	
a. Total Worldwide Nonbanking	
b. Total Foreign Banking[3]	

[3] The following activities when conducted within the foreign banking organization by a foreign bank or its subsidiaries shall be considered "banking":

(1) commercial banking; (2) financing, including commercial financing, consumer financing, mortgage banking, and factoring; (3) leasing real or personal property if the lease serves as the functional equivalent of an extension of credit to the lessee of the property; (4) acting as fiduciary; (5) underwriting credit life insurance and credit accident and health insurance related to extensions of credit by the foreign banking organization or its affiliates; (6) performing services for other direct or indirect operations of a United States banking organization, including representative functions, sale of long term debt, name saving, and holding assets acquired to prevent loss on a debt previously contracted in good faith; (7) holding the premises of a branch of an Edge Corporation or member bank or the premises of a direct or indirect subsidiary; (8) providing investment, financial or economic advisory services; (9) general insurance brokerage; (10) data processing; (11) managing a mutual fund if the fund's shares are not sold or distributed in the United States or to United States residents and the fund does not exercise managerial control over the firms in which it invests; (12) performing management consulting services provided that such services when rendered with respect to the United States market shall be restricted to the initial entry; (13) underwriting, distributing, and dealing in debt and equity securities outside the United States; and (14) engaging in other activities that the Board has determined by regulation or order are closely related to banking under section 4(c)(8) of the Bank Holding Company Act (see section 211.5(d) of Regulation K (12 C.F.R. 211.5(d)))

None of the assets, revenues or net income of a United States subsidiary bank (including its foreign branches and subsidiaries), branch, agency, commercial lending company, or other company engaged in the business of banking in the United States shall be considered held or derived from the business of banking "outside the United States."

F.R. Y-7
Page 9

Section I

Financial and Managerial Information - continued

8. For the banking business activities, respond to two of the following three items:

	Amounts in local currency or U.S. Dollars
1. Assets	
a. Total Foreign Banking[3]	
b. Total U.S. Banking[4]	
2. Revenues Derived from:	
a. Total Foreign Banking[3]	
b. Total U.S. Banking[4]	
3. Net Income Derived from:	
a. Total Foreign Banking[3]	
b. Total U.S. Banking[4]	

Describe the accounting basis used to derive the financial data.

The responses will determine the top-tiered Foreign Banking Organization's eligibility as a qualified foreign banking organization. The reporting Foreign Banking Organization qualifies when two of the three criteria in both of the following categories are met:

Worldwide Business

1. banking assets held outside the United States exceed total worldwide nonbanking assets;

2. revenues derived from the business of banking outside the United States exceed its total revenues derived from its worldwide nonbanking business;

3. net income derived from the business of banking outside the United States exceeds total net income derived from its worldwide nonbanking business; and

Banking Business

1. banking assets held outside the United States exceed banking assets held in the United States;

2. revenues derived from the business of banking outside the United States exceeds total revenues derived from the business of banking in the United States.

3. net income derived from the business of banking outside the United States exceeds net income derived from the business of banking in the United States.

A Foreign Banking Organization that does not meet the requirements for two consecutive years as reported herein will lose its eligibility pursuant to Section 211.23 of Regulation K.

[4] All of the assets, revenues or net income of a United States subsidiary bank (including its foreign branches and subsidiaries), branch, agency, commercial lending company, or other company engaged in the business of banking in the United States shall be considered held or derived from the business of banking in the United States.

Section II

Nonbanking Activities Conducted in the United States

REPORT ITEM 1: Information on the direct nonbanking activities conducted in the United States by the Foreign Banking Organization and a Schedule of Investments in U.S. Financial Institutions

Submit information on Schedule A detailing the reporting Foreign Banking Organization's direct U.S. nonbanking business activities that are conducted through an office other than a branch, an agency, or a representative office in the United States, and the reporting Foreign Banking Organization's investments in U.S. bank(s), commercial lending companies, Edge and/or Agreement Corporations. Do not report financial institutions held as a result of a debt previously contracted, held in a fiduciary capacity, or held as collateral securing an extension of credit.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include a separate Schedule A for each part of the tiered structure that meets the definition of a Foreign Banking Organization.

REPORT ITEM 2: Schedule of Investments in Related Companies

Submit information on a separate Schedule B for:

A. each company organized under the laws of the United States, except those reported on Schedule A, that the reporting Foreign Banking Organization directly or indirectly through a subsidiary[5] owns, controls, or holds with power to vote more than 5 percent of its shares or their equivalent, and

B. each company organized under the laws of a foreign country that directly or indirectly "engages in business in the United States"[6] that the reporting Foreign Banking Organization directly or indirectly through a subsidiary[5] owns, controls, or holds with power to vote more than 5 percent of its shares or their equivalent

Do not complete a Schedule B for a company acquired as a result of a debt previously contracted, held in a fiduciary capacity, or held as collateral securing an extension of credit.

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submission should include the information required in Item 2 for the top tiered Foreign Banking Organization.

REPORT ITEM 3: Shares held through collection of debts previously contracted

List each banking and nonbanking company organized under the laws of the United States and each company organized under the laws of a foreign country that directly engages in business in the United States in which the reporting Foreign Banking Organization directly or indirectly owns or controls 25 percent or more of any class of voting shares as a result of a debt previously contracted. For each company, provide the name, address, principal line of business, percent of ownership, and date of acquisition (if not previously provided in the F.R. Y-7).

When the respondent is a tiered Foreign Banking Organization that is filing a single report for all levels, the submissions should include the information required in Item 3 for the top tiered Foreign Banking Organization.

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5 The term "subsidiary" means an organization more than 25 percent of the voting stock of which is held directly or indirectly by a foreign banking organization or which is otherwise controlled or capable of being controlled by a foreign banking organization. Regulation K, (12 C.F.R. 211.23(a)(3)).

6 The term "engaged in business in the United States" means maintaining and operating an office (other than a representative office) or subsidiary in the United States. Regulation K, (12 C.F.R. 211.2(p)). The term "subsidiary" has the same meaning assigned such term by footnote 5.

F.R. Y-7—Schedule A
Page 1

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Year					Dist.
	Y	7	A	0	2	1	
1	3						9

FBO	Yr.	Mo.	Day
11	23	25	27

SCHEDULE A

Foreign Banking Organization

See F.R. Y-7, Report Item 1, Section II

1. a. 627 _____
Name of Foreign Banking Organization

b. _____
Location of Head Office Street

628 _____ _____
City Country

c. _____
Date of Fiscal Year-end

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CTRY.
629

2. Indicate the date that the Foreign Banking Organization's initial branch or agency located in a State of the United States or the District of Columbia opened for business. In subsequent filings, the reporting Foreign Banking Organization need not respond to this item.

3. Describe the nonbanking activities that were directly conducted by the Foreign Banking Organization through a U.S. office, other than a branch, agency, or representative office in the United States during the fiscal year. The description should include a written description of each activity, the appropriate four-digit SIC Code, and the locations at which each activity was conducted. The date the activity was commenced or terminated in the U.S. should be included in response to this item when the activity was commenced or terminated during the fiscal year or when the activity has not been previously reported. For the SIC codes, refer to the *Standard Industrial Classification Manual*, 1972. If the Foreign Banking Organization does not directly engage in any U.S. nonbanking activities, the response to this item should be none.

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4. State the legal authority (i.e., section of the Bank Holding Company Act of 1956, International Banking Act of 1978, Regulation of the Board of Governors and/or Board Order) relied upon for authority to engage in the direct activities listed in Item 3.

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635

F.R. Y-7-Schedule A
Page 2

FR BANK USE ONLY
Year [Y|7|A|0|2|1] (1–3)
Dist. (9) FBO (11)

SCHEDULE A

Foreign Banking Organization - continued

See F.R. Y-7, Report Item 1, Section II

5. For each U.S. Bank, Edge Corporation, Agreement Corporation, and/or Commercial Lending Company, in which the reporting Foreign Banking Organization[1] directly or indirectly owns, controls, or holds with power to vote more than 5 percent of the outstanding voting securities, indicate the name, location of head office, the name and location of head office of the direct shareholder of the financial institution, percentage of ownership held by the direct shareholder, amount of investment (carrying value) as reflected on the financial statements of the direct shareholder, legal authority relied upon by the reporting Foreign Banking Organization to hold the investment in this financial institution, and date of acquisition or termination in any such financial institutions held during the reporting organization's fiscal year. The date of acquisition should only be provided when such date has not been reported previously in the F.R. Y-7.

a. 101 Name _____

Location of head office _____
Street

City State Zip Code

Name _____
Direct Shareholder

Location of head office _____
Street

City State/Country Zip Code (if applicable)

FR BANK USE ONLY
Date of acquisition 105 Yr. Mo. Day
Date of termination 737 Yr. Mo. Day
Amount of investment U.S. $ 316
FR BANK USE ONLY [1|1] (41 65 73)
Percentage ownership 207 %
Legal authority _____ 208

FR BANK USE ONLY
Sub. No. (15)
Yr. Mo. Day (23)
Sub. No. (41–48)
[C|V] (49 50)

b. 101 Name _____

Location of head office _____
Street

City State Zip Code

Name _____
Direct Shareholder

Location of head office _____
Street

City State/Country Zip Code (if applicable)

FR BANK USE ONLY
Date of acquisition 105 Yr. Mo. Day
Date of termination 737 Yr. Mo. Day
Amount of investment U.S. $ 316
FR BANK USE ONLY [1|1] (41 65 73)
Percentage ownership 207 %
Legal authority _____ 208

FR BANK USE ONLY
Sub. No. (15)
Yr. Mo. Day (23)
Sub. No. (41–48)
[C|V] (49 50)

[1] When the report is being filed by a tiered Foreign Banking Organization, Item 5 on Schedule A should be completed only by the top tiered Foreign Banking Organization.

F.R. Y-7–Schedule B
Page 1

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Year [Y 7 A 0 2 1] Dist.
1 2 7 9

FBO No. Sub. No.
11 15

Yr. Mo. Day
23 25 27

SCHEDULE B

Investments in Related Companies

See F.R. Y-7, Report Item 2, Section II

1. a. 101 Name of Related Company

b. Location of head office Street

102 City County (if applicable)

State/Country Zip Code (if applicable)

FR BANK USE ONLY
St. Cnty Zip
103

c. Date of fiscal year-end

2. Where the investment in this company was acquired during the fiscal year or was sold during the fiscal year, indicate the date of such acquisition or date of termination. Companies that have not been previously reported on the F.R. Y-7, but were acquired prior to the filing of the prior report, should indicate the date of acquisition.

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		Yr. Mo. Day	FR BANK USE ONLY
a. Date of acquisition	105		2 (41 65 73)
b. Date of termination	737		

Do not complete the remainder of the schedule for investments that have been sold or otherwise terminated during the fiscal year.

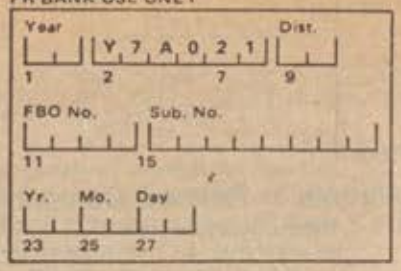
3. a. List the type, the number, and percentage of shares, or their equivalent, that are owned, controlled, or held with power to vote, or otherwise controlled, directly or indirectly by the Foreign Banking Organization. Indicate the name and location of head office of each direct holder of the shares and indicate the type, the number, and percentage of shares owned, controlled, or held with power to vote.

b. Indicate the amount in U.S. dollars of investment (carrying value) in company recorded in the books of the direct owner(s) within the Foreign Banking Organization at the end of the fiscal year.

Name of Owner(s) (Direct Holder[s])	Amount of Investment in U.S. $ (thousands)	Number and Class or Type of Shares	Percent Owned or Controlled	FR BANK USE ONLY Sub. No.	FR BANK USE ONLY Type
a.	$		207 . %		
b.	$		207 . %		
c.	$		207 . %		
d.	$		207 . %		
e.	$		207 . %		
316	$				

F.R. Y-7-Schedule B
Page 2

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SCHEDULE B

Investments in Related Companies - Continued

See F.R. Y-7, Report Item 2, Section II

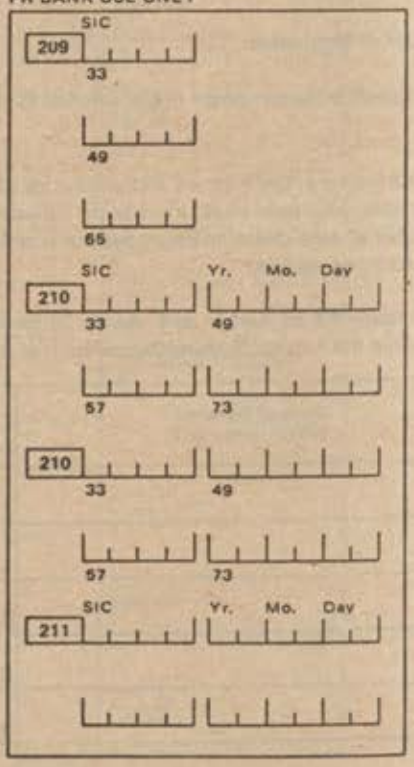
4. Identify the business activities conducted by this company during the fiscal year.

For a company organized under the laws of the United States, the description should include a written description of each activity, the appropriate four-digit SIC Code, and the location of offices at which the activities are conducted (if, the company is inactive, so state).

For a company[1] organized under the laws of a foreign country, the description should include a written description of each business activity conducted by the U.S. office(s) (other than a representative office), the appropriate four-digit SIC Code, the location of the U.S. offices, and whether or not each U.S. activity is also engaged in outside the United States. If the foreign company engages in business in the U.S. by virtue of the control of a U.S. subsidiary, the response to this item should reference the separate Schedule B completed for the U.S. subsidiary and the foreign company should confirm whether or not each U.S. activity conducted by the U.S. subsidiary is also conducted by the foreign company abroad.

The date the activity was commenced or terminated in the U.S. should be included in response to this item when the activity was commenced or terminated during the fiscal year or when the activity has not been previously reported. For the SIC Codes, refer to the *Standard Industrial Classification Manual*, 1972.

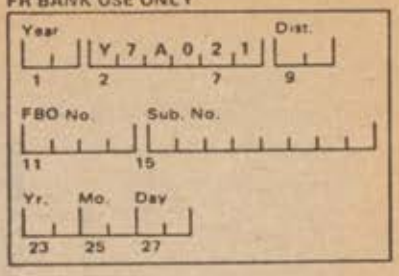
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1 A response is not required when the schedule is being completed for a company organized under the laws of a foreign country in which the reporting Foreign Banking Organization directly or indirectly owns, controls or holds with power to vote 5 percent or more, but not exceeding 25 percent of the outstanding shares.

F.R. Y-7-Schedule B
Page 3

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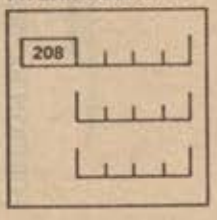
SCHEDULE B

Investment in Related Companies - continued

See F.R. Y-7, Report Item 2, Section II

5. State the legal authority (i.e., section of the Bank Holding Company Act of 1956, as amended, International Banking Act of 1978, Regulation of the Board of Governors, and/or Board Order) relied upon for authority to hold the investment in this company.

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6. When the Foreign Banking Organization engages through this related company in business activities in the United States in reliance on section 2(h) or section 4(c)(9) of the BHC Act, indicate the amount and percent of both the related company's world-wide consolidated assets and gross revenues that are located in or derived from the United States. If the related company is incorporated in the U.S., the requested responses for such company should be consolidated with the responses of such related company's direct foreign shareholder and included on the Schedule B for the foreign shareholder.

FR 2064-3

Board of Governors of the Federal Reserve System
Washington, D.C. 20551

FOREIGN BANKING ORGANIZATION
CONFIDENTIAL REPORT OF OPERATIONS

For the fiscal year ending on _____, 19____

Name of Foreign Banking Organization _____

Address of head office _____

THIS REPORT OF OPERATIONS IS STRICTLY CONFIDENTIAL

This report of operations has been prepared on behalf of the Board of Governors of the Federal Reserve System for use in the supervision and regulation of Foreign Banking Organizations that engage in banking in the United States through a subsidiary bank, a subsidiary commercial lending company, a branch, or an agency. The Board of Governors of the Federal Reserve System is of the view that information from this report of operations is exempt from public disclosure under Section (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(8)).

This report of operations is required by Section 225.5(b)(1) of Regulation Y (12 C.F.R. 225.5(b)) as authorized by Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)) and Sections 8 and 13(a) of the International Banking Act of 1978 (12 U.S.C. 3106 and 3108(a)).

Board of Governors of the Federal Reserve System
Washington, D.C. 20551

FOREIGN BANKING ORGANIZATION
CONFIDENTIAL REPORT OF OPERATIONS

For the fiscal year ending on _____, 19____

Name of foreign banking organization _____

Address of head office _____

_____

I, _____ _____
Name Title

an authorized officer or agent of the company named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____ _____
Signature Date

Name, title, and address of person to whom questions related to this report may be directed:

_____ _____
Name Title

_____
Address

General Instructions — Report FR 2068

The Foreign Banking Organization Confidential Report of Operations (F.R. 2068) is required to be completed and filed by companies that are organized under the laws of a foreign country and that are engaged in the business of banking in the United States through subsidiary banks, subsidiary commercial lending companies, or their own branches or agencies. The information to be provided in the Report of Operations is required to appraise the reporting Foreign Banking Organization's ability to be a continuing source of strength and support to its banking operations conducted in the United States.

WHO MUST REPORT

The report must be submitted by each Foreign Banking Organization, as defined by Section 211.23(a)(2) of Regulation K, including the following:

1. Bank holding company, as defined by Section 2(a) of Bank Holding Company Act of 1956 (BHC Act), that is organized under the laws of a foreign country and is principally engaged in the banking business outside the United States.

2. Foreign bank, as defined by Section 1(b)(7) of the International Banking Act of 1978 (IBA), that maintains a branch or agency in a State of the United States or the District of Columbia and/or owns, controls, or holds with power to vote 50 percent or more of the outstanding voting securities of a commercial lending company organized under the laws of any State in the United States (Article 12, New York Investment Company), a bank organized under the laws of Puerto Rico and defined as a foreign bank by Section 1(b)(7) of the IBA is not required to file.

   A foreign bank that meets the following criteria is exempt from the filing requirements of the F.R. 2068, provided that such foreign bank is neither a bank holding company nor maintains a branch insured by the Federal Deposit Insurance Corporation in a State of the United States or the District of Columbia.

   a. The U.S. branches and agencies of the foreign bank do not have total aggregate liabilities to non-related parties that exceed $100 million; and

   b. The U.S. branches and agencies of the foreign bank do not have total aggregate nonbank deposits, nonbank credit balances, and liabilities on acceptances that exceed $10 million.

   For purposes of the exemption, total liabilities to non-related parties include:

   1. Total deposits and credit balances as defined by the instructions for Item 13 on the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (Form FFIEC 002);
   2. Federal funds purchased and securities sold under agreements to repurchase, as defined for Item 14;
   3. Other liabilities for borrowed money, as defined for Item 15;
   4. Branch or agency liability on acceptances executed and outstanding, as defined for Item 16; and
   5. Other liabilities to non-related parties as defined for Item 17.

   Total nonbank deposits and credit balances include:
   1. Deposits and credit balances of individuals, partnerships, and corporations, as defined by Item 1, Schedule F (Item 4 FFIEC 002);
   2. Deposits and credit balances of United States Government and of states and political subdivisions in the U.S., as defined by Item 2, Schedule F;
   3. Deposits and credit balances of foreign governments and official institutions, as defined by Item 3, Schedule F; and
   4. Branch or agency liability on acceptances executed and outstanding, as defined by Item 16.

3. Company, as defined by Section 2(b) of the BHC Act, that is organized under the laws of a foreign country and owns, controls, or holds with power to vote 25 percent or more of the outstanding voting securities, or otherwise controls, as defined by Section 2 of the BHC Act, such foreign bank required to file under (2) above. A foreign government or an agency of a foreign government is exempt from the filing requirement.

   A company that is otherwise required to file the F.R. 2068 may request a specific exemption by the Board of Governors from the filing requirements when the company owns less than a majority of the outstanding voting securities of the foreign bank and can demonstrate that the company does not control the election of a majority of the foreign bank's directors or otherwise exercise a controlling influence over the operations of the foreign bank.

A bank holding company, foreign bank, or company that is required to submit the report will herein be referred to as "Foreign Banking Organization."

TIME AND PLACE OF FILING

The report must be filed not later than four months after the end of the reporting Foreign Banking Organization's fiscal year. Any request for an extension of time to file the report should be submitted to the Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, DC 20551.

Foreign Banking Organizations should file the Form F.R. 2068 with the Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The report may be transmitted to the Board of Governors either directly or through the Foreign Banking Organization's home country bank supervisory authority. If the Foreign Banking Organization is unable to comply with particular reporting requirements contained in Form F.R. 2068, it should consult with the Board's Division of Banking Supervision and Regulation. The Board of Governors may, upon receipt of a written request, permit the substitution of appropriate information. Such requests should be submitted prior to the filing date of this form.

ADDITIONAL INFORMATION

The Board of Governors reserves the right to require the filing of additional statements and information if the report as filed is not adequate to appraise the reporting Foreign Banking Organization's ability to be a continuing source of financial and managerial strength and support to the U.S. subsidiary bank, branch, agency, or commercial lending company, or to determine its compliance with applicable laws and regulations.

Organization Chart

Submit an organization chart showing the reporting Foreign Banking Organization and all related foreign companies in which 25 percent or more of the voting securities are directly or indirectly owned, controlled, or held with power to vote, or otherwise controlled, by the reporting Foreign Banking Organization. Foreign companies listed on the organization chart submitted on the F.R. Y-7 need not be listed in this report.

The chart should disclose the name, location of head office, line of business activity of other than banking, and the percentage ownership (held by the direct shareholders of each class of voting stock or other form of control of each company.

FR 2068-5
CONFIDENTIAL

Earnings

The reporting Foreign Banking Organization should present an income statement for the last two fiscal years disclosing both revenues and expenses. The income and expense accounts may be calculated in accordance with the local accounting practices of the home country. The presentation should separate both revenue and expense items according to interest and non-interest sources. Non-interest expenses should be presented in a manner that separately discloses provisions for general or specific reserves when applicable and premises and taxes. Foreign Banking Organizations that utilize accounting practices involving overdraft accounting may present interest income and interest expense on a net basis. The income statement should be stated in the local currency of the country in which the head office of the reporting Foreign Banking Organization is located. The income statement may also be stated in U.S. dollars, but the conversion to U.S. dollars is not required. Where the presentation of earnings in the Confidential Report of Operations is identical to the income statement submitted in Form F.R. Y-7, the reporting Foreign Banking Organization need not respond to this request.

The reporting Foreign Banking Organization must provide a brief discussion of the accounting principles used in determining the recognition and the timing of the recognition of both income and expense items through the income statement. In addition, the reporting Foreign Banking Organization should describe the discretion it has in taking reserves or deducting expenses directly taken from income and/or capital accounts, e.g., the sale of equity or debt securities or other fixed assets, recognizing the cumulative effect of changes in accounting principles or revaluation of assets from carrying, cost/lower of cost or market revaluation based on current market value. In subsequent filings, the reporting Foreign Banking Organization need only describe any changes in accounting principles or policies adopted or terminated since the prior filing.

FR 2068-6
CONFIDENTIAL

Loan Loss Experience

A. Those reporting Foreign Banking Organizations that have established allowances, reserves, or credit accounts against asset accounts to absorb possible losses resulting from lending activities should furnish a reconciliation of such accounts, including any specific allowance or reserve established to absorb unrecognized loss on a specific extension of credit, or securities or assets acquired as a result of a debt previously contracted. The reconciliation should be furnished in a format similar to the following:

1. Present the beginning and ending balances for the last two fiscal years.

2. Provide additions to the account, including amounts expensed on the income statement, amounts directly deducted from the capital accounts and/or other reserve accounts, and recoveries from assets previously charged-off.

3. Indicate deductions from the accounts, including the charge-off of loans and other losses resulting from extensions of credit, and amounts transferred to capital and/or other reserve accounts.

B. If the reporting Foreign Banking Organization does not charge-off losses resulting from the lending operations through allowances or reserves, it should furnish a description of the accounting practices used in recording these charge-offs and detail the gross amount of charge-offs and recoveries for the last two fiscal years.

C. From the reporting Foreign Banking Organization's financial statements, detail the gross amount of loans, the amount of allowances or reserves allocated to absorb losses resulting from the lending operations, and the amount of unearned income included in gross loans. From the asset categories presented on the balance sheet submitted in the F.R. Y-7, state the categories of assets included in the gross loan amount. Provide a written description of the types of credits included in the respective asset categories.

FR 2068-7
CONFIDENTIAL

Debt and Equity Securities

A. If the reporting Foreign Banking Organization has established reserves or contra accounts against an asset account to absorb losses or other changes in value resulting from investments in debt and equity securities, it should furnish a reconciliation of the reserves in a format similar to the following:

1. Present the beginning and ending balances for the last two fiscal years.

2. Provide additions to the account, such as amounts expensed on the income statement, gains recognized from the sale, exchange, or revaluation of assets, and transfers from capital and/or other reserve accounts.

3. List deductions from the account, such as losses recognized on the sale, exchange, or revaluation of assets, and transfers to capital and/or other reserve accounts.

B. If the reporting Foreign Banking Organization does not charge-off losses or other changes in value in debt and equity securities through reserves, it should furnish a description of the accounting practices used to recognize these charge-offs and other changes in value and detail the gross amount of changes in value for the last two fiscal years.

C. Indicate the total carrying value of debt and equity securities as reflected on the reporting Foreign Banking Organization's financial statements, distinguishing between securities traded on a recognized exchange and securities having no established market. For marketable securities, provide an estimate of the current market value if materially different from the carrying value. For nonmarketable securities, provide an estimate of the appraised value and/or net asset value (book value) if materially different from the carrying value.

FR 2068-8
CONFIDENTIAL

Inner Reserves and Other Contra Accounts against Assets and Liabilities Resulting in "Hidden" Reserves

A. If the reporting Foreign Banking Organization utilizes accounting practices that result in the creation of inner reserves, aggregated in liability accounts and not separately detailed, or in the creation of hidden reserves, contra to an asset or a liability account reported on a net basis, it should disclose the separate such reserves from aggregate accounts, in a format similar to the following:

1. Present the beginning and ending balances for the last two fiscal years.

2. Provide additions to the account, which may include gains recognized on the revaluation of securities, assessments, fixed assets, currency translation, forward foreign exchange contracts, transfers from the income account prior to reporting income to the shareholders, and transfers from other reserve accounts.

3. Show deductions from the account, which may include losses recognized on the revaluation of securities assessments, fixed assets, currency translation, forward foreign exchange contracts, transfers to the income account prior to reporting income to the shareholders, and transfers to other reserve accounts.

B. Provide a description of the accounting practices or statutory or regulatory accounting standards that govern the establishment of such reserve accounts or allow the reporting Foreign Banking Organization to own assets not reflected in its published financial statements.

FR 7068-9
CODE 6210-01-M

Financial Statements of Unconsolidated Majority-Owned Related Companies

The reporting Foreign Banking Organization must submit information for each material[1] company, organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa or the U.S. Virgin Islands, that the reporting Foreign Banking Organization directly or indirectly owns, controls, or holds with power to vote more than 50 percent of the shares, or their equivalent, or otherwise controls and that is not consolidated on a line-by-line basis in the reporting Foreign Banking Organization's financial statements. The required information shall consist of financial statements covering the company's last two fiscal years that include or are the equivalent to:

1. Balance sheets;

2. Income statements; and

3. Statements of changes in capital accounts.

The financial statements should be stated in the local currency as reported to the reporting Foreign Banking Organization for internal reporting purposes. The financial statements may be stated in U.S. dollars, but the conversion to U.S. dollars is not required. The reports may be prepared in accordance with local accounting practices, but an explanation of the local accounting standards used in the preparation of the financial statements must be provided.

The reporting Foreign Banking Organization should provide the name and address of each foreign company and list the amount of the investment in and loans to this company, as reflected directly or indirectly on the financial statements.

[1] A material company is a company in which (a) the Foreign Banking Organization's stated investment in and advances to such a company exceed 5 percent of the stated consolidated capital accounts of the Foreign Banking Organization, or (b) the company's gross operating income or revenue exceeds 5 percent of the stated consolidated gross operating income or revenues of the reporting Foreign Banking Organization, or (c) the company's operations resulted in net income or a net loss exceeding 5 percent of stated consolidated net income of the reporting Foreign Banking Organization.

9 Financial Statements of Unconsolidated Majority-Owned Related Companies

FR 7068-10
CODE 6210-01-M

Financial Data on Unconsolidated Minority-Owned Related Companies

The reporting Foreign Banking Organization must submit information for each material[1] company organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa or the U.S. Virgin Islands that the Foreign Banking Organization directly or indirectly owns, controls, or holds with power to vote between 25 and 50 percent of the shares, or their equivalent, or otherwise controls. The required information shall consist of financial data as of the company's last two fiscal years that include or are the equivalent of:

1. Total assets;

2. Total stockholders' equity; and

3. Net income.

The financial data should be stated in the local currency as reported to the reporting Foreign Banking Organization for internal reporting purposes. The financial data may be stated in U.S. dollars, but the conversion to U.S. dollars is not required. The data may be derived in accordance with local accounting practices, but an explanation of the local accounting standards used in the determination of the financial data must be provided.

The reporting Foreign Banking Organization should provide the name and address of each foreign company and list the amount of the investment in and loans to this company, as reflected directly or indirectly on the financial statements.

[1] A material company is a company in which (a) the Foreign Banking Organization's stated investment in and advances to such a company exceed 5 percent of the stated consolidated capital accounts of the Foreign Banking Organization, or (b) the company's gross operating income or revenue exceeds 5 percent of the stated consolidated gross operating income or revenues of the Foreign Banking Organization, or (c) the company's operations resulted in net income or a net loss exceeding 5 percent of stated consolidated net income of the Foreign Banking Organization.

10 Financial Data on Unconsolidated Minority-Owned Related Companies

[FR Doc. 81-5012 Filed 2-11-81; 8:45 am]
BILLING CODE 6210-01-C

[Docket No. R-0257]

Report Requirement; Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Report Form.

SUMMARY: The Board of Governors has adopted a Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries (F.R. Y–8f) for implementation in the second quarter of 1981. The report is intended to provide information on transactions between a United States subsidiary bank and its foreign parent company and certain affiliates of the foreign parent. The F.R. Y–8f is to be filed on a quarterly basis by foreign banking organizations that have consolidated assets of $300 million or more and that own or control commercial banks in the United States.

FOR FURTHER INFORMATION CONTACT: Susannah M. Lawrence, Financial Analyst, Division of Banking Supervision and Regulation (202/452–2741) or Kathleen M. O'Day, Attorney, Legal Division (202/452–3786), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: The F.R. Y–8f requests information on transactions between a United States bank and its subsidiaries and the United States bank's foreign parent company and its majority-owned subsidiaries (termed "other BHC members").[1] The information will assist the Board in monitoring intercompany transactions that may have adverse effects on the safety and soundness of a U.S. bank subsidiary of a foreign banking organization and will aid in determining whether a foreign banking organization serves as a source of strength to its U.S. subsidiary bank.

The F.R. Y–8f may be filed on the basis of each U.S. bank subsidiary's intercompany transactions with other BHC members or a consolidated report may be filed on the basis of aggregate transactions between a foreign banking organization's U.S. subsidiary banks and other BHC members. The report should be filed by or on behalf of only the top tier foreign parent company in order to avoid duplicate reporting by intermediate holding companies.

[1] "Other BHC members" is defined to include (1) the foreign banking organization parent company (or companies) and (2) all of that company's majority-owned subsidiaries that are neither U.S. banks nor direct or indirect subsidiaries of U.S. banks.

Asset transfers. Section I of the F.R. Y–8f requests information on asset transfers of more than $100,000 between the U.S. subsidiary bank and other BHC members effected during the reporting period. Asset transfers involving loans that were delinquent, nonperforming, or renegotiated at the time of transfer are to be reported separately. In addition, descriptive detail is required on any U.S. transfer that is equal to one per cent of the total equity of the bank participating in the transfer or $2 million, whichever is less. This section of the report did not receive extensive comment and remains essentially unchanged. However, comments received indicated that a foreign banking organization would be unable to gather requested information on transactions effected by foreign companies in which the foreign banking organization owned less than 50 per cent of the shares or that the organization did not otherwise control. The proposed form defined "other BHC members" to include all companies, through the first three tiers, in which the foreign banking organization owned or controlled 25 per cent or more of the shares. In response to the comments, the definition of "other BHC members" has been modified to include all majority-owned companies of the foreign banking organization.

Specific comment was requested on whether the other major organizational grouping, "U.S. bank subsidiaries and their subsidiaries," should be expanded to include U.S. branches and agencies of a foreign bank. Comments on this issue were mixed. Some commenters stated that because the purpose of the report is to monitor transactions between U.S. banking operations and all other operations, in order to assure the safety and soundness of the U.S. banking operation, all U.S. banking business conducted by a U.S. bank, branch or agency should be included within one grouping. Other commenters indicated that a U.S. branch or agency is an integral part of a foreign bank and to include its operations with those of a U.S. subsidiary bank would impair the Board's ability to monitor the transactions of the U.S. bank. After consideration of the comments, the Board concluded that it would be appropriate to continue to include the U.S. bank and its subsidiaries as one major grouping since the primary purpose of the F.R. Y–8f is to isolate transactions between U.S. banks and all other members of the foreign banking organization.

Other Intercompany Transactions and Balances. Section II of the proposed F.R. Y–8f requested information on five types of intercompany transactions and balances: (1) U.S. bank subsidiary expenses recognized during the period associated with amounts paid or owed to other BHC members; (2) intercompany liabilities and claims; (3) U.S. bank subsidiary participation in loans originated or syndicated by other BHC members; (4) U.S. Bank subsidiary loans or commitments made in connection with credit extended by third parties to other BHC members; and (5) compensating balances. After review of the burden imposed and the purposes of the report, the Board has eliminated the requirement for submission of information on loan participations. The proposal also required that average balances be calculated using weekly balances as of the close of business on each Wednesday falling in the reporting period. As revised, the report requires that average balances be calculated using the last 30 calendar days of the reporting period.

Foreign Exchange Transactions. Intercompany foreign exchange information is to be reported in Section III of the F.R. Y–8f. Under this section, the respondent is asked to report (1) whether any U.S. bank subsidiary (or any of its subsidiaries) has experienced a net realized loss *or* a net unrealized loss on foreign exchange transactions during the period; and (2) whether during the period any U.S. bank subsidiary (or any of its subsidiaries) was a party to foreign exchange transactions with other BHC members at nonmarket rates.

In the original proposal, the Board requested comment on whether, in order to reduce reporting burden, there should be established an amount below which realized or unrealized loss need not be reported. Most comments addressed this issue by suggesting various cutoff points. After considering all comments received, the Board has revised the report to require reporting of a foreign exchange loss only if the loss is greater than one per cent of the total equity of the U.S. bank subsidiary, or one million dollars, whichever is less.

A copy of Form F.R. Y–8f and instructions is attached.

Board of Governors of the Federal Reserve System, February 9, 1981.

James McAfee,

Assistant Secretary of the Board.

BILLING CODE 6210-01-M

FR Y-8f
Approved by the Federal Reserve Board
November 12, 1980
Approval expires January 1, 1984

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Washington, D.C. 20551

REPORT OF INTERCOMPANY TRANSACTIONS FOR FOREIGN BANKING ORGANIZATIONS AND THEIR U.S. BANK SUBSIDIARIES

For the quarter ending on _____, 19____

Name of foreign banking organization: _____

Address of head office: _____
Street

_____
City Country

This report is being filed for: ____ A single U.S. bank subsidiary ____ All U.S. bank subsidiaries

Legal title of U.S. bank for which this report is filed (leave blank if filing one report for all banks):

_____

_____
Street

_____
City State Zip Code

I, _____ _____
Name Title

an authorized officer or agent of the foreign banking organization named above, hereby declare that this report has been examined by me and is true and complete to the best of my knowledge and belief.

_____ _____
Signature Date

Name, title, and phone number of person responsible for answering questions related to this report:

_____ _____
Name Title

_____
Area Code Number

Please check: ____ ORIGINAL ____ INTERIM ____ REVISED

This report is required by Section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844). The Federal Reserve System regards the individual company information provided by each respondent as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

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FR BANK USE ONLY

Year Dist.
Y 8 F 0
BHC No. Yr. Mo. Day
OSB

SECTION I

Asset Transfers[1]

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

INDIVIDUAL TRANSFERS OF LESS THAN $100,000 NEED NOT BE REPORTED

	Dollar Amount in Thousands											
	TOTAL AMOUNT TRANSFERRED DURING THE QUARTER						AMOUNT TRANSFERRED THAT WAS DELINQUENT, NONPERFORMING OR RENEGOTIATED					
	A. TO: U.S. Bank Subsidiaries and Their Subsidiaries FROM: Other BHC Members			B. TO: Other BHC Members FROM: U.S. Bank Subsidiaries and Their Subsidiaries			C. TO: U.S. Bank Subsidiaries and Their Subsidiaries FROM: Other BHC Members			D. TO: Other BHC Members FROM: U.S. Bank Subsidiaries and Their Subsidiaries		
	Bil	Mil	Thou	Bil	Mil	Thou	Bil	Mil	Thou	Bil	Mil	Thou
1. Securities	1.			2.			3.			4.		
2. Loans, lease receivables, and other assets that represent extensions of credit	5.			6.			7.			8.		
3. Other assets	9.			10.			11.			12.		

4. *Large asset transfers.* If total assets, of the type reportable *under Columns C or D of Section I,* transferred between an individual U.S. bank subsidiary and its subsidiaries and other BHC members during the period are greater than one percent (1.0%) of the total equity of that bank or $2 million, whichever is less, the following information should be provided on a separate page to be attached to the report form: (1) the amount and date of each transfer making up the total reported, (2) the names of the organizations involved in each transfer, and (3) a brief statement as to the purpose of the transfer.

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Page 3

FR BANK USE ONLY

Year Y 8 F 0 Dist.

BHC Yr. Mo. Day

DSB

SECTION II

Other Intercompany Transactions and Balances[1]

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

	Dollar Amount In Thousands			
	Bil	Mil	Thou	
1. Expenses recognized by U.S. bank subsidiaries and their subsidiaries associated with amounts paid or owed to other BHC members during the reporting period:				
a. Interest				13
b. Management and service fees				14
c. Other				15
2. Intercompany liabilities and claims (average during reporting period):				
a. U.S. bank subsidiaries and their subsidiaries' liabilities to other BHC members:				
(1) Deposits				16
(2) Nondeposit liabilities				17
b. U.S. bank subsidiaries and their subsidiaries' claims on other BHC members:				
(1) Deposit claims				
(a) Interest-bearing				18
(b) Noninterest-bearing				19
(2) Nondeposit claims (include loans)				20
3. Period-end amount of all outstanding loans, unused commitments, guarantees, or standby letters of credit made by U.S. bank subsidiaries and their subsidiaries in connection with credit extended by third parties to other BHC members				21
4. Compensating balances:				
a. Average amount of compensating balances maintained during the reporting period by U.S. bank subsidiaries and their subsidiaries at unrelated banks in connection with credit lines extended or services provided to other BHC members				22
b. Amount of compensation, if any, recognized during the reporting period by U.S. bank subsidiaries and their subsidiaries for maintaining the balances reported in 4(a)				23

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FR BANK USE ONLY

Year Y 8 F 0 Dist.

BHC No. Yr. Mo. Day

DSB

SECTION III

Foreign Exchange Transactions

PLEASE READ INSTRUCTIONS BEFORE COMPLETING THIS REPORT

If the number one is entered in Cells 24 or 25, below, the respondent must answer Items 3-5, also below. If the number two has been entered in both cells, the respondent is not required to answer these additional items.

1. If a U.S. bank subsidiary or one of its subsidiaries has incurred a net realized loss *or* a net unrealized loss on foreign exchange transactions during the reporting period that is equal to one percent (1.0%) or more of the total equity of that subsidiary, enter the number one in the box to the right. If there were not a net loss greater than this amount during the period, enter the number two. [ ] 24

2. If a U.S. bank subsidiary or one of its subsidiaries were a party to any foreign exchange transactions during the reporting period with other BHC members at non-market rates, enter the number one in the box to the right. If no such transactions were effected during the period, enter the number two. [ ] 25

	Dollar Amount In Thousands			
	Bil	Mil	Thou	
3. Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries				26
4. Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries with other BHC members				27
5. Realized and unrealized gain (loss) of U.S. bank subsidiaries and their subsidiaries during reporting period derived from foreign currency transactions:				
a. Realized gain (loss)				28
b. Unrealized gain (loss)				29

BILLING CODE 6210-01-C

Instructions for Preparation of the Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries

Form F.R. Y–8f

Read carefully and save for future reference.

Questions related to these instructions or preparation of the Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries should be addressed to the appropriate Federal Reserve Bank.

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Confidentiality.
Preparation of reports.
Definitions.

Detailed Instructions

I. Asset Transfers:
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  Types of transfers to be reported.
  Asset transfers that should not be reported in Section I.
  Columns A and C—Asset transfers to U.S. bank subsidiaries and their subsidiaries from other BHC members.
  Columns B and D—Asset transfers to other BHC members from U.S. bank subsidiaries and their subsidiaries.
  Definitions: Section I, Items 1–4:
  1. Securities.
  2. Loans, lease receivables, and other assets that represent extensions of credit.
  3. Other assets.
  4. Large asset transfers.
II. Other Intercompany Transactions and Balances:
  Definitions: Section II, Items 1–4:
  1. Expenses recognized by U.S. bank subsidiaries and their subsidiaries associated with amounts paid or owed to other BHC members during reporting period.
  2. Intercompany liabilities and claims.
  3. Period-end amount of all outstanding loans, unused commitments, guarantees, or standby letters or credit made by U.S. bank subsidiaries and their subsidiaries in connection with credit extended by third parties to other BHC members.
  4. Compensating balances.
III. Foreign Exchange Transactions:
  General instructions.
  Definitions: Section III, Items 3–5.

General Instructions

Who Must Report

The Report of Intercompany Transactions for Foreign Banking Organizations and Their U.S. Bank Subsidiaries (F.R. Y–8f) must be filed by foreign banking organizations (as defined by Section 211.23(a)(2) of Regulation K) with $300 million or more in total consolidated assets that are bank holding companies (as defined by Section 2(a) of the Bank Holding Company Act of 1956, as amended) organized under the laws of a foreign country and principally engaged in the banking business outside the United States. [1]

Foreign banking organizations must file the F.R. Y–8f under one of the following reporting options: (1) The report may be filed on the basis of the intercompany transactions of each U.S. bank subsidiary [2] of a foreign banking organization. In this case, the number of reports filed for a particular reporting period would be equal to the total number of U.S. bank subsidiaries owned or controlled by the foreign banking organization. (2) One report may be filed on the basis of aggregate intercompany transactions effected during the reporting period. In this case, one F.R. Y–8f would be filed in a particular reporting period.

Frequency of Reporting

Quarterly reporting. The F.R. Y–8f is to be filed for the quarters ending on the last day of the months of March, June, September, and December. The completed quarterly report shall be submitted not later than 45 calendar days after the close of each quarter.

Interim reporting. In addition to the quarterly reporting requirements, certain large assets transfers shall be reported in an interim report within 15 calendar days of their occurrence. The following types of transfers should be reported in an interim report:

1. Total transfers during the period of any asset(s) of the type reportable in Section I of this report between any individual U.S. bank subsidiary or one of its subsidiaries and other BHC members, [3] if the amount of assets transferred exceeds ten percent (10%) of the total equity of that bank or $20 million, whichever is less.

2. Total transfers during the period of delinquent, nonperforming, or renegotiated asset(s) of the type reportable in Section I of this report between any individual U.S. bank subsidiary or one of its subsidiaries and other BHC members, if the amount of asset transferred exceeds two and one-half percent (2.5%) of the total equity of that bank or $5 million, whichever is less.

It should be noted that interim reporting criteria are to be applied to assets transfers for individual U.S. bank subsidiaries (or their subsidiaries) rather than to aggregate transfers by all U.S. bank subsidiaries.

The interim report should include an original and two copies of the first two pages of the report form. For each individual asset transfer reported in an interim report, provide the following information on a separate page to be attached to the report form: (1) the amount and date of each transfer included in the total reported, (2) the names of the organizations involved in each transfer, and (3) a brief statement as to the purpose of the transfer.

Transactions that are reported in the interim report should also be reported in the quarterly report filed at the end of the period.

Place of Filing and Number of Copies Required

An original and two copies of the quarterly or interim report shall be submitted to the Federal Reserve Bank of the District in which the foreign banking organization files its Annual Report of Foreign Banking Organizations (F.R. Y–7).

Signatures

The original copy of this report shall be manually signed by an authorized officer or agent of the foreign banking organization in the appropriate place on the cover sheet of the report form. The title of the officer or agent shall also be entered in the appropriate space. The report does not have to be certified by an independent public accountant.

Waiver of Reporting Requirements

Reporting requirements for transactions of a recurring nature, or transactions that would result in undue reporting burden or expense, may be waived upon written request to the appropriate Federal Reserve Bank.

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[1] In the case of multi-tiered foreign banking organizations the ultimate parent company or high-holder should file the F.R. Y–8f. All bank holding companies subsidiary to that parent company are exempt from filing the F.R. Y–8f. In addition, domestic bank holding companies that are subsidiary to such a parent are exempt from filing the Report of Bank Holding Company Intercompany Transactions and Balances (F.R. Y–8f).

[2] For the purposes of the F.R. Y–8f, the term subsidiary is defined as in Section 2(a) of the Banking Holding Company Act of 1956, as amended, and is to include any company (the term company is defined on page 5 of these instructions) 25 percent or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is directly or indirectly owned or controlled by a bank holding company or is held by it with power to vote. See page 5 of these instructions for a complete definition of the term subsidiary.

[3] It is important to note that the phrases (1) U.S. bank subsidiaries and their subsidiaries and (2) other BHC members are defined for the purposes of this report in specific terms in the General Instructions.

Confidentiality

The Federal Reserve System regards the individual company information provided by each respondent as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

Preparation of Reports

All reports should be filled out clearly by typewriter or in ink. Reports completed in pencil are not acceptable. When carbons are used to prepare copies, the copies must be legible and care must be taken to ensure that the figures entered on the carbon appear on the correct lines. Computer printouts are also acceptable, provided that they are in a format identical to that of the report form, including all item and column captions. Submission of legible photocopies or other machine copies is permitted, provided that such copies are signed individually.

Amounts reported should be in United States dollars. Any dollar amounts should be rounded to the nearest thousand. For example, an amount of $527,605.22 would be reported as $528 thousand. Report items between $500 and $1,000 as $1 thousand; report items of less than $500 as zero. Place any negative entries in parentheses.

If additional space is necessary to answer an item or if an item requires further explanation, furnish such information on a separate page to be attached to the report form.

Definitions

Foreign banking organization: This phrase is defined as in Section 211.23(a)(2) of Regulation K.

Bank Holding Company Act: The Bank Holding Company Act of 1956, as amended.

Bank holding company (BHC): This term is defined as in Section 2(a) of the Bank Holding Company Act and means any company that has control over any bank or over any company that is or becomes a bank holding company by virtue of the Bank Holding Company Act.

Bank: This term is defined as in Section 2(c) of the Bank Holding Company Act and includes institutions organized under the laws of the United States, any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands that (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans.

Subsidiary: This term is defined as in Section 2(d) of the Bank Holding Company Act and includes (1) any company (as defined below) 25 percent or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is directly or indirectly owned or controlled by a BHC or is held by it with power to vote; (2) any company the election of the majority of whose directors is controlled in any manner by such BHC; and (3) any company with respect to the management or policies of which such BHC has the power, directly or indirectly, to exercise a controlling influence, as determined by the Board of Governors of the Federal Reserve System.

Company: This term is defined as in Section 2(b) of the Bank Holding Company Act and means any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust.

U.S. bank subsidiaries and their subsidiaries: [1] The phrase "U.S. bank subsidiaries and their subsidiaries" is defined for the purposes of this report to include (1) any U.S. bank that is a direct or indirect subsidiary of a foreign banking organization, and (2) any direct or indirect subsidiary of such a bank. Organizations that are direct or indirect subsidiaries of both a U.S. bank and the foreign banking organization parent company should be included under the phrase other BHC members (see definition below) if that organization is 50 percent or more owned by the foreign banking organization parent company; otherwise, include such an organization with U.S. bank subsidiaries and their subsidiaries.

Other BHC members: [2] The phrase "other BHC members" is defined for the purposes of this report to include (1) the foreign banking organization parent company, and (2) all of that company's direct or indirect majority-owned subsidiaries (domestic or foreign) that are neither U.S. banks nor direct or indirect subsidiaries of such banks. [Branches and agencies of the foreign banking organization, whether domiciled in the United States (or one of its territories) or in a foreign county, should be included with other BHC members.] Organizations that are direct or indirect subsidiaries of both a U.S. bank and the foreign banking organization parent company should be included under the phrase other BHC members if that organization is 50 percent or more owned by the foreign banking organization parent company; otherwise, include such an organization with U.S. bank subsidiaries and their subsidiaries.

Delinquent, nonperforming, and renegotiated assets: The phrase "delinquent, nonperforming, and renegotiated assets" is defined for the purposes of this report to include the following: (1) Loans that are contractually past due 90 days or more as to interest or principal payments. (2) Assets considered to involve "troubled debt restructuring" under the provisions of Financial Accounting Standards Board Statement No. 15 or other debt restructuring that provides for full repayment under modified terms. This would include any "without" situations. (Do not include debt for which the effective interest rate has been reduced solely as a result of changes in current market interest rates rather than changes in the debtor's financial condition or ability to pay normal rates.) (3) Other assets that would be considered nonperforming by the subject organization's own internal audit or loan review staff. (4) Assets that could reasonably be expected to meet any of the foregoing criteria at any time in the foreseeable future.

Total bank equity: Total equity as it is reported on the most recent Report of Condition submitted to a federal bank regulatory agency.

Detailed Instructions

Section I. Asset Transfers

Size Criteria. Under items 1–3 of this section include only individual intercompany transactions that involve the transfer of $100,000 or more in assets. Transfers should be included if at least one side of the transaction involves the transfer of $100,000 or more in assets. The transfer of a group of assets, such as a group of loans or securities, shall be considered an individual transaction if the assets are purchased (1) as a group, (2) as a single package, or (3) if their purchase is negotiated on a group basis.

Calculation of asset transfer totals should be based on the value of the asset as carried on the books of the

[1] It should be noted that in the definition of the phrase "other BHC members" the subsidiaries included are majority-owned. However, for all other purposes of this report the term subsidiary is defined as 25 percent ownership. (See definition of the term subsidiary, above.)

[2] It should be noted that in the definition of the phrase "other BHC members" the subsidiaries included are majority-owned. However, for all other purposes of this report the term subsidiary is defined as 25 percent ownership. (See definition of the term subsidiary, page 5.)

transferor (at the time of the transfer) gross of any reserves, but net of any adjustments (such as principal repayments or charge-offs historically made on the books of the transferor).

Types of transfers to be reported. Intercompany transfers of loans, lease receivables, real estate, securities, equipment, or any other assets not specifically excluded in the following instructions are to be reported in Section I.

Asset transfers are usually two-sided in that one asset is exchanged for another. For example, a loan may be transferred in exchange for cash, another loan, or some other noncash asset. (Noncash assets include loans, receivables, securities, leases, real estate, and equipment.) If a noncash asset is exchanged for cash, report the transfer of the noncash asset, but not the transfer of cash. If a noncash asset is exchanged for another noncash asset, both sides of the transfer should be reported. If an asset is transferred more than once during the period, each transfer should be reported.

Asset transfers that should not be reported in Section I. Do not report the following types of asset transfers in Section I of this report:

1. Transfers of cash and U.S. Treasury securities.

2. Obligations of other U.S. Government agencies and corporations.

a. Notes issued and insured by the Farmers Home Administraion and instruments (certificates of beneficial ownership and note insurance contracts) representing an interest in these notes.

b. Pooled mortgages against which certificates guaranteed by the Government National Mortgage Association (GNMA) have been issued.

c. Mortgage-backed bonds issued by the Federal National Mortgage Association or by the Federal Home Loan Mortgage Corporation (FHLMC) that are guaranteed by the GNMA.

d. Pooled mortgages against which certificates are issued and guaranted by the FHLMC.

3. Federal funds transactions.

4. Loans or securities sold under agreements to repurchase or purchased under agreements to resell *unless such loans or securities are delinquent, nonperforming, or renegotiated.*

5. Intercompany loans or advances, that is, direct loans or advances made by one member of the BHC to another member of the BHC. (Report intercompany loans and advances in item 2 of Section II.)

6. Asset transfers that have been formally approved by federal bank regulatory authorities.

7. Asset transfers in which one member of the BHC acts as a purchasing agent for another member of the BHC. Do not report assets purchased by one member of the BHC with the intention that they be transferred or sold immediately (within seven calendar days of the purchase) to another member. However, if assets were purchased for a member's own account but were transferred to another member more than seven calendar days after the date of the initial purchase, the transfer must be reported in Section I.

8. Loan participations [1] that are shared by members of the BHC at the time of loan origination. Do not report purchases at origination of participations in a pool of securities or loans. However, transfers between members of the BHC of any existing interest in a participation or pool of loans or securities are to be reported if such a transfer occurs more than seven calendar days after the date on which the participation or interest in the pool was purchased.

Columns A and C—Asset transfers to U.S. bank subsidiaries and their subsidiaries from other BHC members. Assets transferred to U.S. bank subsidiaries and their subsidiaries from other BHC members are to be reported under Column A of Section I and, if appropriate, under Column C. Assets that were delinquent, nonperforming, or renegotiated at the time of transfer are to be reported under both Columns A and C.

Columns B and D—Asset tranfers to other BHC members from U.S. bank subsidiaries and their subsidiaries. Assets transferred to other BHC members from U.S. bank subsidiaries and their subsidiaries are to be reported under Column B of Section I, and, if appropriate, under Column D. Assets that were delinquent, nonperforming, or renegotiated at the time of transfer are to be reported under both Columns B and D.

Definitions: Section I, Items 1–4

1. Securities. Report the book value (as carried on the books of the transferor at the time of transfer) of all securities (except as noted below) that were transferred during the period. Include the obligations of states and political subdivisions of the United States or of foreign countries or other foreign political subdivisions, and any other bonds, notes, debentures, or corporate stock.

Exclude the following from this item: (1) U.S. Treasury securities and obligations of other U.S. government agencies and corporations; (2) securities issued by the foreign banking organization parent company or any of its direct or indirect subsidiaries (to be reported in item 3, "Other assets."); and (3) Securities sold (purchased) under agreements to repurchase (resell) *unless these securities were delinquent, nonperforming, or renegotiated.*

2. Loans, lease receivables, and other assets that represent extensions of credit. Report the books value (as carried on the book of the transferor at the time of transfer) of all loans, lease financing receivables, and other assets that represent extensions of credit resulting either from direct negotiations between lender and borrower or from the purchase of loan assets from other lenders. Loans include extensions of credit in the form of promissory notes, acknowledgments of advances, due bills, and similar obligations (written or oral), as well as more marketable instruments such as commerical paper and bankers acceptances.

Transfers between U.S. bank subsidiaries and their subsidiaries and other BHC members of any existing interest in a participation [1] or pool of loans or securities are to be reported if such a transfer occurs more than seven calendar days after the date on which the participation or interest in the pool was purchased. However, loan participations that are shared with other BHC members and are purchased at the time of loan origination should not be reported in Section I.

Exclude the following from this item: (1) deposits at financial institutions, and (2) federal funds sold and securities purchased under agreements to resell, *unless these securities were delinquent, nonperforming, or renegotiated.*

3. Other Assets. Report the book value (as carried on the books of the transferor at the time of transfer) of bank premises, furniture and fixtures, real estate owned other than bank premises, debt or equity securities issued by the foreign banking organization parent company or any of its direct or indirect subsidiaries, and any other assets that have been transferred during the period that cannot be properly reported against items 1 and 2, above.

Real estate owned other than bank premises should include all amounts representing investments, loans, or other

[1] A loan made in cooperation with other financial institutions in which the lead institution organizes the loan and each participant has a pro rata share in the return and the risk.

[1] A loan made in cooperation with other financial institutions in which the lead institution organizes the loan and each participant has a pro rata share in the return and the risk.

assets based on properties that—disregarding the manner of holding, the form of conveyance, or whether a deed has been delivered—properly should be considered as sold or transferred (directly or indirectly), but where the likelihood exists that the properties will have to be taken over by the reporting entity. This item should also include those sales or transfers in which someone other than the reporting entity takes title for the convenience of the reporting entity.

A list of asset transfers that should not be reported in Section I is provided on page 9.

4. *Large asset transfers.* If total assets transferred, of the type reportable under Column C or D of Section I, between an individual U.S. bank subsidiary and its subsidiaries and other BHC members during the period are greater than one percent (1.0%) of the total equity of that bank or $2 million, whichever is less, the respondent should provide the following information on a separate page to be attached to the report form: (1) the amount and date of each transfer making up the total reported, (2) the names of the organizations involved in each transfer, and (3) a brief statement as to the purpose of the transfer. It should be noted that the reporting requirements set forth in this item apply to the transfers of individual U.S. bank subsidiaries (or their subsidiaries) rather than to aggregate transfers by all U.S. bank subsidiaries.

Section II. Other Intercompany Transactions and Balances

1. Expenses recognized by U.S. bank subsidiaries and their subsidiaries associated with amounts paid or owed to other BHC members during reporting period. Report under item 1(a) total interest paid or owed to (accrued) other BHC members during the period. This would include interest from loans, advances, or other extensions of credit to U.S. bank subsidiaries and their subsidiaries. All interest payments reported in this item must be classified as an interest expense by a U.S. bank subsidiary or one of its subsidiaries. Therefore, interest on any interest-bearing obligation issued by U.S. bank subsidiaries and their subsidiaries should be included in this item.

Report under item 1(b) management and other service fees paid or owed to (accrued) other BHC members during the period for services rendered to U.S. bank subsidiaries and their subsidiaries. Include fees charged for management and advisory services, data processing services, loan servicing, and so forth.

Report under item 1(c) all other expenses recognized during the period that cannot be properly reported against items 1(b), but which are associated with amounts paid or owed to (accrued) other BHC members during the period and that were classified as an expense by U.S. bank subsidiaries and their subsidiaries. Include operating lease payments and finder's fees for loans originated. Exclude bank subsidiary dividend payments from this item.

2. Intercompany liabilities and claims. Average balances to be reported under this item should be calculated using the last 30 calendar days of the reporting period (ending with the report date).

Report under item 2.a(1) the average amount outstanding during the period of deposits at U.S. bank subsidiaries and their subsidiaries due to other BHC members.

Report under item 2.a(2) the average amount outstanding during the period of nondeposit of U.S. bank subsidiaries and their subsidiaries due to other BHC members.

Include the following liabilities in this item:

1. Subordinated notes and debentures.
2. Loans or securities sold under agreements to repurchase (whatever the maturity of the repurchase agreement).
3. All borrowings including promissory notes, due bills, or any other instrument issued for the purpose of borrowing money.
4. Federal funds transactions.

Exclude the following from this item:

1. Contingent liabilities.
2. Noncapitalized lease obligations.

Report under 2.b(1) the average amount outstanding during the period of deposit claims of U.S. bank subsidiaries and their subsidiaries due from other BHC members. Include credit balance claims at U.S. agencies of the foreign banking organization. Report interest-bearing balances under 2.b(1)(a). Report noninterest-bearing balances under 2.b(1)(b).

Report under 2.b(2) the average amount outstanding during the period of nondeposit claims of U.S. bank subsidiaries and their subsidiaries due from other BHC members. Include loans in this item.

Loans are extensions of credit resulting either from direct negotiations between lender and borrower or from the purchase of loan assets from other lenders. Loans include extensions of credit in the form of promissory notes, acknowledgments of advances, due bills, and similar obligations (written or oral), as well as more marketable instruments such as commercial paper and bankers acceptances. Exclude contingent liabilities and noncapitalized leases from this item.

3. *Period-end amount of all outstanding loans, unused commitments, guarantees, or standby letters of credit made by U.S. bank subsidiaries and their subsidiaries in connection with credit extended by third parties to other BHC members.* Report the period-end amount of all outstanding loans or other obligations made by U.S. bank subsidiaries and their subsidiaries *when these loans or other obligations were originated in connection with credit extended to other BHC members by third parties.* The obligations of U.S. bank subsidiaries and their subsidiaries would include, but would not be limited to, loans, commitments for loans (unused portion only), "guarantees," and standby letters of credit.

Loans are extensions of credit resulting either from direct negotiations between lender and borrower or from the purchase of loan assets from other lenders. Loans include extensions of credit in the form of promissory notes, acknowledgments of advances, due bills, and similar obligations (written or oral), as well as more marketable instruments such as commercial paper and bankers acceptances.

Report the period-end amount of outstanding unused commitments made by U.S. bank subsidiaries and their subsidiaries to lend funds.

Include as commitments only official promises to lend that are expressly conveyed, orally or in writing, to the third party. Such commitments are usually in the form of a formally executed agreement or a letter signed by an officer (of a U.S. bank subsidiary or its subsidiary). Oral commitments made by officers to a third party (customer) are usually accompanied by some documentation for the bank's own records such as a notation in the customer's credit file.

Exclude authorizations (internal guidance lines) in which the customer is not informed of the amount. Exclude cases such as those in which loan funds are temporarily unavailable pending loan committee approval. Include only unused commitments (that is, amounts still available under commitment arrangements, but not borrowed as of the date of reporting). Exclude any takedowns, expirations, or cancellations. Do not omit commitments merely because they are not legally binding or do not require a commitment fee.

Report the period-end amount of outstanding "guarantees" or similar arrangements, however named or described, that represent contracts under which U.S. bank subsidiaries and their subsidiaries are obligated to make payments contingent upon the failure of

another party to perform under any contract.

Report the period-end amount of outstanding standby letters of credit or similar arrangments, however named or described, that represent obligations on the part of U.S. bank subsidiaries and their subsidiaries to make payments to, or to the order of, a designated third party ("beneficiary") contingent upon the failure of a customer ("account party") to perform under the terms of the latter's underlying contract with the beneficiary. The underlying contract may entail either financial of nonfinancial undertakings of the account party with the beneficiary. For example, standby letters of credit may obligate U.S. bank subsidiaries and their subsidiaries make certain payments to the beneficiary in the event of default or nonperformance by the account party on an underlying contract involving such things as a customer's payment of his commercial paper, delivery of merchandise, completion of a construction contract, release of maritime liens, or repayment of the account party's overdrafts with a beneficiary bank.

4. Compensating balances. Average balances to be reported under this item should be calculated using the last 30 calendar days of the reporting period (ending with the report date).

Report under item 5(a) the average amount of compensating balances maintained by U.S. bank subsidiaries and their subsidiaries with unrelated banks during the reporting period to secure lines of credit or other services for other BHC members.

The amount reported should equal the amount of compensating balances required, if any, by the unrelated bank for the line of credit or other services, minus any balances directly maintained by other BHC members for such services at that bank. Except as provided in the following paragraph, if there is not explicit or implicit understanding between the unrelated bank and other BHC members or U.S. bank subsidiaries and their subsidiaries regarding any minimum compensating balances, then the response to the question would be zero.

If the unrelated bank has extended a line of credit to other BHC members and does not require a compensating balance because U.S. bank subsidiaries and their subsidiaries maintain correspondent balances with the unrelated bank, then estimate the amount of compensating balances that would have been required had a U.S. bank subsidiary or one of its subsidiaries not maintained correspondent balances; subtract from that amount any balances directly maintained by other BHC members at the unrelated bank and report the difference.

Report under item 5(b) the amount of compensation from other BHC members, if any, recognized during the reporting period by U.S. bank subsidiaries and their subsidiaries for maintaining the balances reported in item 5(a).

Section III. Foreign Exchange Transactions

If the number one is entered in Cell 24 or 25, Items 1 and 2, Section III, the respondent must answer Items 3–5, Section III. If the number two has been entered in both cells, the respondent is not required to answer these additional items.

1. If a U.S. bank subsidiary or one of its subsidiaries has experienced a net realized loss *or* a net unrealized loss on foreign exchange transactions during the period greater than one percent of total equity or $1 million, whichever is less, the number one should be entered in Cell 24. If there has not been a net loss during the period, enter a two in this cell. Net realized loss for the period would be equal to *the amount by which realized losses exceed realized gains* on all spot and forward exchange contracts that matured during the period. Net unrealized loss for the period would be equal to *the amount by which unrealized losses exceed unrealized gains* as of the end of the reporting period on all unmatured foreign exchange contracts.

2. If a U.S. bank subsidiary or one of its subsidiaries has been a party to any foreign exchange transactions during the period at nonmarket rates with other BHC members or if such a transaction has been revalued at nonmarket rates, the number one should be entered in Cell 25. If no transactions of this type occurred during the period, enter the number two in this cell. Nonmarket rates are defined as (1) rates that differ from those rates used contemporaneously for trading with parties unaffiliated with the U.S. bank subsidiary or (2) rates that differ from those normal, prevailing, and simultaneous market rates for arm's length transactions between unaffiliated organizations.

3. *Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries.* Report the total volume of foreign exchange contracts negotiated during the reporting period by U.S. bank subsidiaries and their subsidiaries. Report gross purchases and gross sales (book value at the date of negotiation) effected during the reporting period. Include spot and forward transactions.

4. *Total volume of foreign exchange contracts negotiated during reporting period by U.S. bank subsidiaries and their subsidiaries with other BHC members.* Report the total volume of foreign exchange contracts negotiated during the reporting period by U.S. bank subsidiaries and their subsidiaries with other BHC members. Report gross purchases and gross sales (book value at the date of negotiation) effected during the reporting period. Include spot and forward transactions.

5. *Realized and unrealized gain (loss) of U.S. bank subsidiaries and their subsidiaries during reporting period derived from foreign currency transactions.* Report under item 5(a) the aggregate realized gain (loss) of U.S. bank subsidiaries and their subsidiaries during the reporting period on all spot and forward foreign exchange contracts that matured during the reporting period. Losses should be shown in parentheses.

Report under item 5(b) the aggregate unrealized gain (loss) of U.S. bank subsidiaries and their subsidiaries during the reporting period on all existing forward foreign exchange contracts that have not matured during the reporting period. For any forward contract, unrealized gain (loss) shall be determined by multiplying the foreign currency amount of the forward contract by the difference between (1) the forward rate at which the contract was negotiated and (2) the forward rate for that foreign currency as of the reporting date. Losses should be shown in parentheses.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENT OF THE TREASURY

[Notice No. 81-1]

Health Hazards Associated With Alcohol, and Methods, To Inform the General Public of These Hazards; Report to the President and the U.S. Congress as Required by Pub. L. 96-180

AGENCIES: Department of Health and Human Services and Department of the Treasury.

ACTION: Notice of availability of the report to the President and the U.S. Congress as required by Pub. L. 96-180 (The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and

Rehabilitation Act Amendments of 1979).

SUMMARY: As directed by the U.S. Congress in Pub. L. 96–180, the Department of Health and Human Services and the Department of Treasury jointly submitted to the President and the U.S. Congress on November 25, 1980, a report which addressed—

(1) The extent and nature of birth defects associated with alcohol consumption be pregnant women;

(2) The extent and nature of other health hazards associated with alcoholic beverage use; and

(3) The actions which should be taken by the Federal Government under the Federal Alcohol Administration Act and the Federal Food, Drug, and Cosmetic Act with respect to informing the general public of such health hazards.

This report, entitled *Health Hazards Associated with Alcohol and Methods to Inform the General Public of these Hazards*, summarizes the scientific evidence linking excessive alcohol consumption to some of the most serious public health problems in the Nation. It focuses on ways to inform the general public of these health hazards, in particular the serious risk to unborn children resulting from alcohol consumption by pregnant women.

The report is divided into three parts.

Part I—Births Defects and Anomalies—summarizes current knowledge about the Fetal Alcohol Syndrome (FAS), birth defects, and other alcohol-related risks to unborn children and post-natal development.

Part II—Other Health Hazards—summarizes a range of physical, mental and emotional illnesses, and disabilities associated with the misuse of alcohol, including alcoholism and traffic fatalities.

Part III—Informing the Public about Health Hazards—summarizes (1) current knowledge about the use and apparent effectiveness of various methods to provide the public with alcohol-related health information; (2) both current and planned efforts by the Federal Government, the alcohol beverage industry, and private groups to inform the public; and (3) recommendations for future action.

Copies of *Health Hazards Associated with Alcohol and Methods to Inform the General Public of these Hazards* may be ordered from the Superintendent of Documents, Washington, D.C.

ADDRESSES: For copies of the report, write—

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (Stock No. 048–012–00069–8).

The report may be inspected at Room 740–G, Public Health Service, Humphrey Building, 200 Independence Avenue, SW., Washington, D.C., or at Room 4408, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

For information on the report and on public and private health education efforts, contact either person or both persons listed below—

Shirley Barth (Office of Public Affairs), Public Health Service, Room 740–G, Humphrey Building, 200 Independence and Avenue, SW., Washington, D.C. 20201, (202) 472–5663.

Michael Dressler (Office of Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, Room 6238, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20226, (202) 566–7591.

Approved: January 28, 1981.

Charles Miller,

Acting Assistant Secretary for Health.

Approved: January 21, 1981.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81–4829 Filed 2–11–81; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Burley District Advisory Council; Meeting Agenda Changes

Notice is hereby given that the agenda for the Burley District Advisory Council Meeting on February 25, 1981, as published on page 2195 in the **Federal Register** of January 8, 1981, is amended to include the proposed organization for the Idaho Bureau of Land Management. Due to the agenda change, interested persons may make oral statements to the Council between 3:00 p.m. and 4:00 p.m. All other particulars contained in the Notice as published January 8, 1981, remain unchanged.

Nick James Cozakos,

District Manager.

[FR Doc. 81–4868 Filed 2–11–81; 8:45 am]

BILLING CODE 4310–84–M

[CA–7385 WR, CA–7398 WR, CA–7514 WR, CA–7517 WR]

California; Proposed Continuation of Withdrawals and Opportunity for Public Hearing

February 5, 1981.

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714) the Bureau of Land Management, U.S. Department of the Interior proposes to continue the withdrawals of the Public Water Reserves on the following lands:

Mount Diablo Meridian, California

1. Public Water Reserve No. 107, Interpretation, CA–7385 WR.

T. 33 N., R. 15 E.,
Sec. 23, NW¼SW¼.

The area described contains 40 acres in Lassen County, California.

2. Public Water Reserve No. 107, Interpretation, CA–7398 WR.

T. 33 N., R. 15 E.,
Sec. 29, NE¼SW¼.

The area described contains 40 acres in Lassen County, California.

3. Public Water Reserve No. 25, CA–7514 WR.

T. 33 N., R. 15 E.,
Sec. 11, NE¼NE¼;
Sec. 13, NE¼NE¼.
T. 26 S., R. 37 E.,
Sec. 35, SE¼SE¼.

The area described aggregates 120 acres in Lassen County, California.

4. Public Water Reserve No. 84, CA–7517 WR.

T. 36 N., R. 9 E.,
Sec. 14, E½NE¼.
T. 4 N., R. 25 E.,
Sec. 12, SW¼NE¼, NE¼SE¼.
T. 4 N., R. 26 E.,
Sec. 7, Lot 3;
Sec. 24, SW¼SE¼.

The areas described aggregate 235.34 acres in Lassen and Mono Counties, California.

Public Water Reserve 107 was created by Executive Order dated April 17, 1926, Public Water Reserve No. 84 by Executive Order June 7, 1922, and Public Water Reserve No. 25 by Executive Order December 3, 1914. The lands are segregated from settlement, non-metalliferous mineral location, sale or entry in order to preserve the public lands and the water thereon for general public use and benefit.

No change in segregative effect of the withdrawals or the use of the land is proposed.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection

with the proposed withdrawal continuations may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposed continuations must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual 2351.16B.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the wihdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

All communication in connection with the withdrawal continuations should be addressed to the undersigned, Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-4889 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 0126472]

Colorado State Office; Termination of Proposed Forest Service Withdrawal Site and Opening of Lands

February 4, 1981.

The U.S. Department of Agriculture, Forest Service, Rocky Mountain Region, filed withdrawal application C-0126472 November 19, 1965 which was published November 25, 1965 as FR Doc. 65-12676 and January 5, 1978 as FR Doc. 78-114.

The applicant agency has cancelled its application insofar as it affects the following described lands:

New Mexico Principal Meridian Rio Grande National Forest

Love Lake Campground T. 39 N., R. 1 W.

Sec. 6: Beginning at Corner No. 1, a point 2,000 ft. South of the N¼ corner of Sec. 6, by metes and bounds: E. 750 ft. to Corner No. 2, S. 2,640 ft. to Corner No. 3, W. 2,640 ft. to Corner No. 4, N. 2,640 ft. to Corner No. 5, E. 1,890 ft. to the place of beginning. 160 Acres

Therefore, in accordance with the regulations contained in 43 CFR 2091.2-5(b)(1), at 7:45 a.m. on March 18, 1981, the lands described will be relieved of the segregative effect of the application and open to such forms of appropriation as may by law be made of National Forest land, subject to any valid existing rights. Any questions concerning these lands should be addressed to the undersigned at the Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

[FR Doc. 81-4885 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

Montrose District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Montrose District Grazing Advisory Board will be held on March 16, 1981. The meeting will convene at 10:00 a.m. in the conference room of the Bureau of Land Management Office, 2465 South Townsend, Montrose, Colorado.

The agenda for the meeting will include: (1) update on the implementation of the Range Management Program in the Uncompahgre Basin Resource Area; (2) update on the status of the Gunnison Basin Step III planning process and proposed Range Management Program; (3) a status report on the soil-vegetative inventory method and planning schedule in the San Juan Resource Area; (4) a review of range improvement projects being constructed in FY 81; (5) the expenditures of advisory board funds for range improvements and how to get permittee participation; (6) nomination and election procedures for electing the 1982-83 grazing advisory board; and (7) arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 and 11:00 a.m. on March 16, 1981, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401, by March 12, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Marlyn V. Jones,

District Manager.

[FR Doc. 81-4966 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Salmon District Advisory Council will be held on Tuesday, March 17, 1981, at 10:00 a.m., at the Salmon Public Library in Salmon, Idaho.

Agenda for the meeting will include:

1. Reading of the Advisory Council meeting minutes of December 11, 1980.
2. Committee reports.
3. Election of new chairperson.
4. Public statements.
5. Detailed information on Ellis-Pahsimeroi Planning.
6. Establishment of committees.
7. Arrangement for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salmon District Office by March 13, 1981.

Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 5, 1981.

Harry R. Finlayson,

District Manager.

[FR Doc. 81-4967 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

Plumas County, California; Conveyance of Public Land

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), George E. Merrick and Alice J. Merrick, P.O. Box 65, Crescent Mills, California 95934, have purchased by noncompetitive sale public land in Plumas County, California, described as:

Mount Diablo Meridian, California

T. 26 N., R. 9 E.,
Sec. 24, Lot 18;
containing 3.29 acres.

The purpose of this notice is to inform the public and interested state and local government officials of the issuance of the conveyance document to Mr. and Mrs. Merrick.

Dated: February 5, 1981.

Viola A. Andrade,

Acting Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-4070 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 81-5]

Paradise-Denio Resource Area, Winnemucca District, Nev; Proposed Livestock Grazing Management Program

AGENCY: Bureau of Land Management.

ACTION: Notice of availability of the draft environmental impact statement (DEIS).

SUMMARY: Pursuant to Section 102(2) of the National Environmental Policy Act of 1969, the BLM Winnemucca District has prepared a DEIS on a proposed livestock grazing management program for the Paradise-Denio Resource Area.

SUPPLEMENTARY INFORMATION: The Paradise-Denio Grazing EIS analyzes the effects of allocating available vegetation to livestock, big game, and wild horses on approximately four million acres of public lands mostly in Humboldt County, Nevada. The proposal includes recommended grazing management levels by allotment, periods-of-use, utilization levels, grazing treatments, and range improvement of the vegetation resource. Four alternatives are considered along with the proposed action. They are: no livestock grazing, no action, maximizing livestock, and livestock reduction/maximizing wild horses and burros.

Public hearings for this grazing environmental impact statement will be held in Reno, Nevada, on March 10, 1981, 7:30 P.M. at the Eldorado Hotel, 345 N. Virginia and in Winnemucca, Nevada on March 11, 1981, 7:30 P.M. at the Humboldt County Library. Those persons wishing to testify at these public hearings should notify the Team Leader at the Winnemucca District BLM Office, 705 E. 4th St. (702-623-3676).

Copies of the Paradise-Denio DEIS are available from the District Manager, Attention: EIS Team Leader, Bureau of Land Management, 705 East 4th Street, Winnemucca, Nevada 89445.

Public comments received before April 7, 1981, will be considered for incorporation in the final environmental impact statement to be available in September of 1981. Comments submitted after that date will also be used in the land use decision-making process, but will not be included in the final EIS.

FOR FURTHER INFORMATION CONTACT: Robert Neary, Division Chief, planning and Environmental Coordination, Winnemucca District Office, 705 E. 4th Street, Winnemucca, NV 89445, (702) 623-3676.

Copies of the DIES are available for review at the following locations:

Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, NV 89520, (702) 784-5602.
Bureau of Land Management, Elko District Office, 2002 Idaho Street, Elko, NV 89901, (702) 738-4071.
Bureau of Land Management, Battle Mountain District Office, Box 194, Battle Mountain, NV 89820, (702) 635-5181.
Bureau of Land Management, Carson City District Office, 1050 E. Williams Street, Carson City, NV 89701, (702) 882-1631.
Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, NV 89301, (702) 289-4865.
Bureau of Land Management, Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, NV 89102, (702) 385-6403.
Bureau of Land Management, Burns District Office, 74 S. Alvord Street, Burns, OR 97720, (503) 573-2071.
Bureau of Land Management, Vale District Office, Box 700, Vale, OR 97918, (503) 473-3144.
Bureau of Land Management, Susanville District Office, Box 1090, Susanville, CA 96130, (916) 257-5381.

Also, copies are available for review at the following public libraries:

Churchill Public Library, 553 S. Main St., Fallon, NV 89406.
Douglas County Library, Box 337, Minden, NV 89423.
Esmeralda County Library, Goldfield, NV 89013.
Humboldt County Library, 85 East Fifth Street, Winnemucca, NV 89445.
Las Vegas Public Library, 1726 E. Charleston Blvd., Las Vegas, NV 89104.
Lyon County, 29 Nevin Way, Yerington, NV 89447.
Nevada State Library, Library Building, Carson City, NV 89710.
Ormsby Public Library, 900 N. Roop, Carson City, NV 89701.
Storey County Library, Storey County Courthouse, Virginia City, NV 89440.
University of Nevada, Las Vegas, James R. Dickensen Library, 4505 Maryland Parkway, Las Vegas, NV 89154.
Clark County Library, 1401 E. Flamingo Road, Las Vegas, NV 89109.
Elko County Library, 720 Court Street, Elko, NV 89801.
Eureka County Library, Eureka, NV 89316.
Lander County Library, Battle Mountain, NV 89820.
Lincoln County Library, Box 248, Pioche, NV 89043.
Mineral County Library, 1st and D Streets, Hawthorne, NV 89415.
Nye County Library, Tonopah, NV 89049.
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419.
University of Nevada, Reno, Getchell Library, Reno, NV 89507.
Washoe County Library, 301 S. Center Street, Reno, NV 89505.
White Pine County Library, City Hall, Ely, NV 89301.

A limited number of copies of the draft EIS are available upon request to the District Manager at the above address.

Dated: February 4, 1981.

E. F. Spang,

State Director, Nevada.

[FR Doc. 81-4069 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Powder River Regional Coal Team Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Powder River Regional Coal Team will meet March 10, 1981, to review the preliminary cumulative analysis prepared for the Powder River Coal Production Region. The team will also discuss the designation of small business tracts and the proposed lease target for the production region.

Public attendance at the regional coal team meeting is welcome and encouraged. The opportunity for the public to address the regional coal team will be provided during the meeting.

DATE: The regional coal team meeting will be held March 10, 1981, in Billings, Montana. The meeting is expected to last one day and will begin at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn West, I-90 and Mullowney Lane, Billings, Montana.

FOR FURTHER INFORMATION CONTACT: Robert O. Buffington, Regional Coal Team Chairperson, 208-324-1401, Bureau of Land Management, Room

398, Federal Building, 550 West Fort Street, Boise, Idaho 83724, or
J. Stan McKee, Project Manager, 307–778–2220, Extension 2413, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,
State Director.

[FR Doc. 81-4968 Filed 2-11-81; 8:45 am]
BILLING CODE 4310-84-M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the publication of the material in the **Federal Register** on April 11, 1977 (42 FR 18968), and August 21, 1980 (45 FR 55832.).

One Bureau of Mines records system titled: Biographical Reference File—Interior, Mines—10 (Published at 42 FR 19049) is no longer maintained as a separate bureau system of records. Mines-10 has been incorporated into a similar Departmentwide system of records titled: Biography File—Interior, Office of the Secretary—65. A revised system notice for OS-65 is published in its entirety below.

Part III of the Appendix containing addresses of facilities of the Department which pertain to the Office of Hearings and Appeals (published at 45 FR 55832) is updated and republished.

The following system notices are updated and republished in their entirety below:

1. System Name: Private Relief Claimants—Interior, Office of the Secretary—12 (Published at 42 FR 19017).
2. System Name: Biography File—Interior, Office of the Secretary—65 (Published at 42 FR 19026).
3. System Name: Freedom of Information Request Files System—Interior, Office of the Secretary—71 (Published at 42 FR 19028).
4. System Name: Trust Territory of the Pacific Islands Employee Records—Interior, Office of the Secretary—95 (Published at 42 FR 19034).
5. System Name: Hearings and Appeals Files—Interior, Office of Hearings and Appeals—1 (Published at 42 FR 19120).
6. System Name: Litigation, Appeal and Case Files—Interior, Office of the Solicitor—1 (Published at 42 FR 19120).
7. System Name: Claims Files—Interior, Office of the Solicitor—2 (Published at 42 FR 19121).
8. System Name: Workload Analysis—Interior, Office of the Solicitor—4 (Published at 42 FR 19122).

Additional information regarding this notice may be obtained from the Department Privacy Act Officer, Office of Information Resources Management, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202–343–6191.

Dated: February 5, 1981.

William L. Kendig,
Deputy Assistant Secretary of the Interior.

Appendix

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III. *Office of Hearings and Appeals*

A. Headquarters Office: Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

B. Field Offices:

(1) Administrative Law Judges, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 170, 2020 Hurley Way, Sacramento, California 95825

(2) Administrative Law Judges, Office of Hearings and Appeals, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138

(3) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Room 2021, Federal Building, 230 N. First Avenue, Phoenix, Arizona 85025

(4) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 150, 2020 Hurley Way, Sacramento, California 95825

(5) Administrative Law Judges, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Rooms 674 and 688, Federal Building, Ft. Snelling, Twin Cities, Minnesota 55111

(6) Administrative Law Judges, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Rooms 3319, 2239, 3337 and 3451, Federal Building and Courthouse, 316 North 26th Street, Billings, Montana 59101

(7) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, 301 Federal Building, Hill and Third Street, Gallup, New Mexico 87301

(8) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, P.O. Box 3064, Tulsa, Oklahoma 74101

(9) Administrative Law Judge, Indian Probate, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 112, Building 100, 1425 N.E. Irving Street, Portland, Oregon 97232

(10) Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, 1052C Federal Building, 600 Federal Place, Louisville, Kentucky 40202

(11) Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 1603, Federal Office Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222

(12) Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, 1111 Northshore Drive, Suite 202, Building No. 1, Knoxville, Tennessee 37919

(13) Administrative Law Judge, Office of Hearings and Appeals, U.S. Department of the Interior, Suite 920, 1 Valley Square, Charleston, West Virginia 25301

(14) Alaska Native Claims Appeal Board, Office of Hearings and Appeals, U.S. Department of the Interior, P.O. Box 2433, Anchorage, Alaska 99510

* * * * *

INTERIOR/OS-12

SYSTEM NAME:

Private Relief Claimants, Department—Interior, Office of the Secretary—12.

SYSTEM LOCATION:

Office of Congressional & Legislative Affairs, Legislative Counsel, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual claimants against the United States seeking remedy through private relief bills for claims involving the programs and activities of the Department of the Interior.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of relief bills and congressional committee reports. Department reports on bills, correspondence, comments of bureaus and offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to support legislation for the relief of private claimants. Disclosures outside the Department of the Interior may be made (1) to Congress to report on the basis and validity of claims; (2) to another Federal agency having a subject matter interst in the claim; (3) to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB

Circular No. A–19, at any stage of the legislative coordinates and clearance process as set forth in that Circular; (4) to the Congressional sponsor of a private relief bill and to representatives of the individual who is the subject of the legislation; (5) to the U.S. Department of Justice when related to litigation or anticipated litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained manually in file folders.

RETRIEVABILITY:

Cross-indexed by name of claimant.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Retired to Federal Records Center after two Congresses.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Congressional & Legislative Affairs, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to Legislative Services Center, Office of Congressional & Legislative Affairs, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240. The inquiry must be in writing and state that the individual seeks information concerning records pertaining to him. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as Notification. See 43 CFR 2.63 for additional content requirements for requests.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Congress, individual claimants, bureaus and offices of the Department.

INTERIOR

SYSTEM NAME:

Biography File—Interior, Office of the Secretary—65.

SYSTEM LOCATION:

(1) Office of Public Affairs, Research Office, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Bureau public information offices in the Bureau of Indian Affairs, the Water & Power Resources Service, the U.S. Geological Survey, the National Park Service, the U.S. Fish and Wildlife Service, Bureau of Land Management (BLM), Bureau of Mines, Office of Surface Mining (OSM), and the Heritage Conservation & Recreation Service (HCRS). (See System Manager paragraph for addresses.).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officials of the Department of the Interior, including the Secretary, Assistant Secretaries, heads of Bureaus and Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are biographical sketches, notes, resume, and news releases generally containing the individual's name, place and date of birth, education, military service, work experience, publications, membership in professional or scientific societies, marital status plus occasional newspaper clippings about the individual and in some cases a photograph of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Statutes 5 USC 301, 3101, 43 USC 1467, 44 USC 3101, 30 USC 1, 3, 5–7.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to maintain biographic information on key officials of the Department. Disclosures outside the Department of the Interior may be made (1) to the news media and public for public information purposes.

POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE—Biographies are in press release form, maintained in file folders.

RETRIEVABILITY—alphabetized by name.

SAFEGUARDS—maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL—destroyed when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

(Unless otherwise noted, the address for all managers is U.S. Department of the Interior, 18th and C Street, N.W., Washington, D.C. 20240. (1) For the Office of Public Affairs: Director, Office of Public Affairs. (2) For the Bureau of Indian Affairs: Director, Public Information Staff, Bureau of Indian Affairs. (3) For the Water & Power Resources Service: Chief, Office of Public Affairs, Water & Power Resources Service. (4) For the Geological Survey: Information Officer, U.S. Geological Survey, the National Center, Reston, Virginia 22092. (5) For BLM: Chief, Office of Public Affairs (130), Bureau of Land Management. (6) For the National Park Service: Assistant to the Director, Office of Public Affairs, National Park Service. (7) For the Fish and Wildlife Service: Assistant Director—Public Affairs, U.S. Fish and Wildlife Service. (8) For the Bureau of Mines: Assistant Chief, Office of Public Information, Bureau of Mines, 2401 E Street, N.W., Washington, D.C. 20241. (9) For OSM: Director, Office of Public Affairs, Office of Surface Mining. (10) For HCRS: Chief, Office of Public Affairs, Heritage Conservation & Recreation Service.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as the above. The request must be in writing, signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Data furnished by the individual, newspaper clippings, and published materials.

INTERIOR/OS–71

SYSTEM NAME:

Freedom of Information Request Files System—Interior, Office of the Secretary—71.

SYSTEM LOCATION:

All facilities of the Department of the Interior which have received requests under the Freedom of Information Act seeking access to or copies of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted Freedom of Information requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests, responses, related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to administer Freedom of Information requests. Disclosures outside the Department of the Interior may be made (1) to other Federal agencies having a subject matter interest in a request or an appeal or a decision thereon; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICY AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name of person making request.

SAFEGUARDS:

Maintained with the minimum safeguards prescribed in 43 CFR 2.51.

RETENTION AND DISPOSAL:

Destroyed two years after response date if no denial was involved. Destroyed five years after response date if denial of records was involved.

SYSTEM MANAGER(S) AND ADDRESS:

For the office or bureau for which each is responsible, the head of each office making up the Office of the Secretary, each other Departmental office and each bureau. (See Appendix for addresses of office and bureau headquarters offices.)

NOTIFICATION PROCEDURE:

Inquiries regarding the existence records in the system shall be addressed to each facility to which an individual has submitted a Freedom on Information request. See 43 CFR 2.60 for submission requirements.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to each facility to which the requester has submitted a Freedom of Information request. See 43 CFR 2.61 for submission requirements.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Requesters, internally generated documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/OS-95

SYSTEM NAME:

Trust Territory of the Pacific Islands Employee Records—Interior, Office of the Secretary—95.

SYSTEM LOCATION:

Government of the Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Civil Service employees and former U.S. Civil Service employees assigned to the Trust Territory of the Pacific Islands.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll records, including pay, leave and cost distribution records, including deductions for bonds, insurance, income taxes, allotments to financial institutions, overtime authorizations, and related documents. Travel records, including administrative approvals, travel expenses claimed and/or paid, receipts for expenditures claims, Government transportation requests travel advance accounts and related records. Records of accountability for Government-owned property. Safety records, including claims under the Military Personnel and Civil Employees Claims Act. Records of issuance of Government identification cards and Government drivers's licenses. Related records concerning administrative and fiscal management.

AUTHORITY FOR MANINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 5101–5115, 5501–5596, 5709, 31 U.S.C. 66a, 240–243, 40 U.S.C. 483(b), 43 U.S.C. 1467, 44 U.S.C. 3101, Executive Order No. 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for administrative and fiscal management. Disclosures outside the Department of the Interior may be made (1) to the Department of the Treasury for the preparation of (a) payroll deduction and other checks to Federal, State and local government agencies, non-governmental organization and individuals, and (b) checks for reimbursement of employees and others, (2) to the Internal Revenue Service and to State, commonwealth, territorial and local governments for tax purposes, (3) to the Office of Personnel Management to report contributions to the Civil Service retirement system and other contributions, (4) to another Federal agency to which an employee has transferred, (5) to the U.S. Department of Justice when related to litigation or anticipated litigation, (6) of information indicating a violation or potential violation of a statute, regualtion, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (7) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (9) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant or other benefit, (10) to Federal, State or local agencies where necessary to obtain information relevant to the hiring, or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and automated.

RETRIEVABILITY:

May be retrieved by individual name or social security number.

SAFEGUARDS:

Records are maintained in accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

According to approved records disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

High Commissioner, Trust Territory of the Pacific Islands, Saipan, Mariana Islands 96950.

NOTIFICATION PROCEDURE:

Inquires regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks

information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Employees, supervisors, timekeepers.

INTERIOR/OHA-1

SYSTEM NAME:

Hearings and Appeals Files—Interior, OHA–1.

SYSTEM LOCATION:

(1) Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) All field facilities of the Office of Hearings and Appeals. (See Part III of appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual persons involved in hearings and appeals proceedings before the Hearings Division, Appeals Board, and the Director, OHA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information assembled in case files pertaining to hearings proceedings, and to appeals to the Department relating to: (a) contract disputes arising out of findings of fact or decisions by contracting officers of any bureau or office of the Department, or any field installation thereof, which are considered and decided finally for the Department by the Interior Board of Contract Appeals; (b) Indian probate matters, including determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians and resolution of appeals to the Department in such matters; proceedings in Indian probate relating to Tribal acquisition of certain interests of decedents in trust and restricted lands; and appeals pertaining to administrative actions of BIA officials in cases involving determinations, findings and orders protested as a violation of a right or privilege of the appellant, which are considered and decided finally for the Department by the Interior Board of Indian Appeals; (c) appeals from decisions rendered by Departmental officials relating to the use and disposition of public lands and their resources and the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf, which are considered and decided finally for the Department by the Interior Board of Land Appeals; (d) appeals from orders and decisions issued by Departmental officials and administrative law judges in proceedings relating to surface coal mining control and reclamation which are considered and decided finally for the Department by the Interior Board of Surface Mining and Reclamation Appeals; (e) claims under the Alaska Native Claims Settlement Act which are considered and decided finally for the Department by the Alaska Native Claims Appeal Board; (f) wildlife civil penalty assessment hearings before administrative law judges of the OHA and appeals from their orders and decisions which are considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him; (g) appeals from orders and decisions of Departmental bureaus pertaining to relocation assistance benefits claims, considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him; (h) grievance proceedings involving employees of the Department, in which hearings are conducted and recommended decisions are prepared by OHA attorneys and administrative law judges under authority delegated by the Director, OHA; (i) proceedings and decisions by administrative law judges and the Director, OHA, final for the Department, pursuant to enforcement of Executive Order 11246, as amended, and rules, regulations and orders thereunder; (j) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in Federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964; (k) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in activities conducted under permits, rights-of-way, public land orders, and other Federal authorizations granted or issued under Title II of the Trans-Alaska Pipeline Authorization Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(a) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; P.L. 95–563, 41 U.S.C. 601. (b) 5 U.S.C. sec. 301; secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U.S.C. 372, 373, 374, 373a, 373b; Act of December 31, 1970 (P.L. 91–627; 84 Stat. 1874; 25 U.S.C. 607), amending sec. 7 of the Act of August 9, 1946 (60 Stat. 968; 25 U.S.C. 607), with respect to trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951); Act of August 10, 1972 (P.L. 92–377; 86 Stat. 530), with respect to trust or restricted lands within the Warm Springs Reservation or within the area ceded by the Treaty of June 25, 1855 (12 Stat. 37); Act of September 29, 1972 (P.L. 92–443; 86 Stat. 744), with respect to trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957); R.S. 463, 465, 5 U.S.C. sec. 301, and 25 U.S.C. secs. 2 and 9. (c) R.S. 2478 as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 101; 43 U.S.C. sec. 315a; 43 U.S.C. sec. 1701(a)(5). (d) Sec. 201, P.L. 95–87, 91 Stat. 445, 30 U.S.C. sec. 1201. (e) R.S. 2478, as amended, 43 U.S.C. sec. 1201; 5 U.S.C. sec. 301; 43 U.S.C. 1601–1624. (f) Lacey Act, 18 U.S.C. sec. 43; Endangered Species Act of 1973, 16 U.S.C. sec. 1531 et seq.; Endangered Species Conservation Act of 1969 (formerly) 16 U.S.C. sec. 668aa et seq.; Marine Mammal Protection Act of 1972, 16 U.S.C. sec. 1361 et seq.; Bald Eagle Protection Act, 16 U.S.C. sec. 668 et seq.; 5 U.S.C. sec. 301. (g) 42 U.S.C. secs. 4601–4655; 5 U.S.C. 301. (h) 5 U.S.C. 301; 5 CFR Part 771; 5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 10987; 3 CFR, 1959–1963 Comp., p. 519. (i) 43 CFR 17.8; 5 U.S.C. sec. 301; Title VI of the Civil Rights Act of 1964 (section 602, 42 U.S.C. 2000d–1); 43 CFR Part 17, including Appendix A thereto. (j) Sec. 403, P.L. 93–153, 87 Stat. 576, 5 U.S.C. sec. 301, and 43 CFR Part 27.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the adjudication and determination of issues in hearings and appeals proceedings. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statue, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of appellant, claimant, etc., and by OHA docket number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Case materials returned to operating bureau or office after completion of OHA functions. Records of decisions not authorized for disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203.

NOTIFICATION PROCEDURE:

System Manager or, with respect to records maintained in a field office for which he is responsible, an administrative law judge or chief administrative law judge in charge. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or, with respect to records maintained in a field office for which he is responsible, an administrative law judge or chief administrative law judge in charge. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Records in the system include information submitted by the appellants, claimants, and other persons involved in the hearings and appeals proceedings, as well as by the Government.

INTERIOR/SOL–1

SYSTEM NAME:

Litigation, Appeal and Case Files—Interior Office of the Solicitor–1.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in litigation with the United States, or the Department of the Interior, officials or constituent units thereof; individuals involved in administrative proceedings before the Department, to which the Department is a party or in which it has an interest; individuals suspected of violations of criminal and civil statutes or regulations or orders the violation of which carries criminal penalties; individuals who have applied to the Department for permits, grants or loans; individuals who have appealed to the Office of the Solicitor from the decisions of other constituent units of the Department; individuals involved in negotiations, claims or disputes with the Department; individuals for whom the Department has performed legal services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory reports, opinions and memoranda of law, pleadings, motions, depositions, rulings, and other records necessary to the provisions of legal services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 1455.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to provide legal services to the Department of the Interior. Disclosures outside the Department of the Interior may be made (1) to another Federal agency or a State or local government having a subject matter interest in the records; (2) to an individual or entity aligned with the United States or the Department of the Interior or any official or constituent unit thereof as a plaintiff, petitioner, defendant or respondent in any judicial or administrative proceedings; (3) to a court, magistrate or administrative tribunal in the course of presenting evidence thereto, or to opposing counsel in the course of settlement negotiations; (4) to the U.S. Department of Justice when related to litigation or anticipated litigation; (5) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

By case or individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirement of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Subject to approved disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records shall be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the System Manager or, with respect to the office for which he is responsible, a Regional or Field Solicitor. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals listed above under "Categories of individuals covered by the system", bureaus and offices of the Department, other Federal agencies, courts, administrative tribunals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(1) The Privacy Act does not entitle an individual to access to information compiled in anticipation of a civil action or proceeding. (2) Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), the Department of the

Interior has adopted a regulation, 43 CFR 2.79(b), which exempts this system (to the extent that it consists of investigatory material compiled for law enforcement purposes) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f) and portions of 43 CFR, Part 2, Subpart C which implement these provisions. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/SOL-2

SYSTEM NAME:

Claims Files—Interior, Office of the Solicitor-2.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional and Field Offices of the Solicitor. (See Appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed Tort, Federal Employee, Admiralty or Irrigation claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records concerning claims, including the claims and supporting information submitted by the claimant, information developed by the Department concerning the claim and a record of the disposition of the claim if processing of the claim is complete.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) Federal Tort Claims Act, 28 U.S.C. 2671–2680. (2) Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 240–243. (3) Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act, P.L. 93–393, 88 Stat. 782. (4) Act of March 9, 1920, 46 U.S.C. 742, 747, 749, 750.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the adjudication of tort, Federal employee, admiralty and irrigation claims. Disclosures outside the Department of the Interior may be made (1) to another Federal agency or a State or local government body having partial or complete jurisdiction over the claim or related claims; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation for or enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of claimant.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Claim and investigative material returned to operating bureau or office after completion of processing. Records of decisions not authorized for disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

System manager or, with respect to records maintained in the office for which he is responsible, a Regional or Field Solicitor. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or, with respect to records maintained in the office for which he is responsible, a Regional or Field Solicitor. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Claimants. Investigations conducted by Bureaus and Offices of the Department of State or local officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Privacy Act does not entitle an individual to access to information compiled in reasonable anticipation of a civil action or proceeding.

INTERIOR/SOL-4

SYSTEM NAME:

Workload Analysis—Interior, Office of the Solicitor-4.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Regional and Field Offices of the Office of the Solicitor. (See Appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys employed in the Office of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning subject of assigned work and status of that work.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

43 U.S.C. 1455.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the management of workload of the Office of the Solicitor. Disclosures outside the Department of the Interior may be made (1) to the Office of Management and Budget in connection with preparation of the President's budget; (2) to another Federal agency having a subject matter interest in a case, proceeding or other matter described in the records; (3) to the U.S. Department of Justice when related to litigation or anticipated litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in both manual and computer form.

RETRIEVABILITY:

Indexed by organizational unit, may be retrieved by name of individual attorney.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

In accordance with approved disposal schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual attorneys.

[FR Doc. 81-4918 Filed 2-11-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative Notice To the Commission of Intent to Perform Interstate Transportation for Certain Nonmembers

Dated: February 9, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

1. Agate Elevator Agricultural and Livestock Cooperative Association (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), P.O. Box 4, Agate, CO 80101 (Principal Mailing Address (Street No., City, State, and Zip Code)), P.O. Box 4, Agate, CO 80101 (Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code)), Robert L. Benjamin, P.O. Box 4, Agate, CO 80101 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

2. Indiana Farm Bureau Cooperative Association, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), 120 E. Market St., Indianapolis, IN 46204 (Principal Mailing Address (Street No., City, State, and Zip Code)), 120 East Market St., Indianapolis, IN 46204 (Where Are Records Of Your Motor Transportation Maintained (Street No., City, State, and Zip Code)), Charles Shaw, 120 East Market St., Indianapolis, IN 46204 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

3. Land O'Lakes, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), P.O. Box 116, Minneapolis, MN 55440 (Principal Mailing Address (Street No., City, State, and Zip Code)), 614 McKinley Place, NE., Minneapolis, MN 55413 (Where Are Records Of Your Motor Transportation Maintained (Street No., City, State, and Zip Code)), Harold O. Hoelscher, P.O. Box 116, Minneapolis, MN 55440 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

4. Mantica Lines, Inc. (Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations), 2509 Westerly Hills Dr., Charlotte, NC 28208 (Principal Mailing Address (Street No., City, State, and Zip Code)), 2509 Westerly Hills Dr., Charlotte, NC 28208 (Where Are Records Of Your Motor Transportation Maintained (Street No., City, State, and Zip Code)), Sol LeVine, Atty., Suite 306 Executive Bldg., 623 East Trade St., Charlotte, NC 28202 (Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address)).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4987 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-36-42)]

Burlington Northern, Inc., Trackage Rights Over Missouri Pacific Railroad Co. and Union Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Burlington Northern, Inc. for trackage rights over the Missouri Pacific Railroad Company and Union Pacific Railroad Company. These application are filed as proposed conditions to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be field with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the BURLINGTON NORTHERN, INC. (BN), filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights as follows:

(a) In Finance Docket No. 30,000 (Sub-No. 36), over the lines of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Claremore and Oologah, OK, a total of 11.1 miles.

(b) In Finance Docket No. 30,000 (Sub-No. 37), over the lines of the MP between Falls City, NE and Kansas City, KS, a total of 98.3 miles.

(c) In Finance Docket No. 30,000 (Sub-No. 38), over the lines of the MP between Thebes and West Vienna, IL, a total of 38.3 miles.

(d) In Finance Docket No. 30,000 (Sub-No. 39), over the lines of the MP between Claremore and Fort Gibson, OK, a total of 41.6 miles.

(e) In Finance Docket No. 30,000 (Sub-No. 40), over the lines of the MP between Hoxie and White Bluff, AR, a total of 144.2 miles.

(f) In Finance Docket No. 30,000 (Sub-No. 41), over the lines of MP between

Hoxie, AR and Newark, AR, a total of 44 miles.

(g) In Finance Docket No. 30,000 (Sub-No. 42), over the lines of the UNION PACIFIC RAILROAD COMPANY between Hastings, NE and Ogden, UT, a total of 844.7 miles.

BN currently provides service in AL, AR, CA, CO, ID IL, IA, KS, KY, MN, MS, MO, MT, NE, NM, ND, OK, OR, SD, TN, TX, WA, WI and WY.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket No. 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company (WP). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by BN in Finance Docket No. 30,000 (Sub-Nos. 36–41) involve portions of the MP lines sought to be controlled by UP.

Under our Railroad Consolidation Procedures, responsive trackage rights such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 22, 1980, the Commission granted DRGW's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the applications pursuant to regulation.[2] At prehearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

The applications substantially comply with the applicable regulations, waivers and extensions granted in this proceeding. A minor deficiency exists in BN's applications. BN has failed to file a copy of a machine readable tape containing the data shown in Exhibit 19, state-to-state revenue carloads interchanged. This information must be provided by February 20, 1981. We accept these trackage rights applications upon the condition that the applications are properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for disposition with the applications in Finance Docket No. 300,000 *et al.* Those applications are the subject of an oral hearing by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determined by the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. No. 300,000 (Sub-No. 36, 37, 38, 39, 40, 41, or 42)), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than March 3, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position is support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on (1) Applicant's representatives: Nicholes P. Moros, Douglas J. Babb, Burlington Northern, Inc., 176 East Fifth St., St. Paul, MN 55101; and (2) representatives of primary applications UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179
Mark M. Hennelly, Senior Vice President and General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103
Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 30,000, *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to BN's applications as filed.

It is ordered:

1. The applications in Finance Docket 30,000 (Sub-36–42) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-4994 Filed 2-11-81; 8:45 am]
BILLING CODE 7035-01-M

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 F.R. 66628 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63184 (September 23, 1980).

[Finance Docket 30,000 (Sub-35)]

Chicago and North Western Transportation Co. Trackage Rights over Union Pacific Railroad Company and Missouri Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of the Chicago and North Western Transportation Company for trackage

rights over the Union Pacific Railroad Company and the Missouri Pacific Railroad Company. This application is filed as a proposed condition to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company and Western Pacific Railroad Company. A schedule has been set for consideration of this application.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY (CNW) filed with the Interstate Commerce Commission an application under 49 U.S.C. 11343 for trackage rights as follows: (a) over the mainline tracks of the UNION PACIFIC RAILROAD COMPANY (UP) between Council Bluffs, IA and Ogden, UT, a total of 870.7 miles, and the related use of terminal facilities; (b) over the mainline tracks of the UP between Council Bluffs, IA and Denver, CO, a total of 553.4 miles, and the related use of terminal facilities; (c) over the mainline tracks of the UP between Council Bluffs, IA and Gilmore Junction, NE, a total of 6 miles, and over the mainline tracks of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Gilmore Junction, NE and Kansas City, MO, a total of 188.6 miles.

CNW currently provides service in IL, IA, KS, MI, MN, MO, NE, ND, SD, WI and WY.

This application has been filed as a proposed condition to the applications in Finance Docket No. 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company. Notice of these applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by CNW in Finance Docket No. 30,000 (Sub-No. 35) involve a portion of the MP lines sought to be controlled by UPC.

Under our Railroad Consolidation Procedures, responsive trackage rights applications such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 8, 1980, the Commission granted CNW's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the application pursuant to regulation.[2] At prehearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

The application substantially complies with the applicable regulations, waivers and extensions granted in the proceeding. A minor deficiency, however, exists in the application filed by CNW. CNW has failed to file a machine readable tape containing the data shown in Exhibit 19, state-to-state revenue carloads interchanged. This information must be filed by February 20, 1981. We accept this trackage rights application upon the condition that it is properly completed by the extension date.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights application accepted here will be consolidated for disposition with the applications in Finance Docket 30,000 et al. Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the application. Such submissions shall indicate the exact proceeding designation (F.D. 30,000 (Sub-35), and an original and 10 copies shall be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, no later than March 3, 1981. In filing comments to these applications, interested persons must state specifically which proposal is the subject of the comments. Persons must state under separate headings their comments on each proposal. Such comments shall include the following: the person's position, in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to participate in the oral hearings on the application or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as a formal party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

Louis T. Duerinck, Senior Vice President-Law and Real Estate, Chicago and North Western Transportation Company, 400 West Madison St., Chicago, IL 60606

Fritz R. Kahn, Verner, Liipfert, Bernhard and McPherson, Suite 1100, 1660 L Street, NW., Washington, D.C. 20036

(2) Representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

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[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-No. 3), 363 ICC 200 (1980), 45 FR 629981 (September 23, 1980).

[2] Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

Responsive Applications

Because this application is a proposed condition to approval of the applications in Finance Docket 30,000, *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to CNW's application as filed.

It is ordered:

1. The application in Finance Docket 30,000 (Sub-35) is accepted for consideration, subject to the condition that it is completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4993 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30,000 (Sub-Nos. 18 and 19)]

Denver and Rio Grande Western Railroad Co., et al.; Decision

In the matter of Denver and Rio Grande Western Railroad Company, trackage rights over Missouri Pacific Railroad Company between Pueblo, CO and Kansas City, MO; trackage rights over Western Pacific Railroad Company between Salt Lake City, UT and points in Utah, Nevada, and California.

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Denver and Rio Grande Western Railroad Company for trackage rights over the Missouri Pacific Railroad Company, and the Western Pacific Railroad Company. These applications are filed as proposed conditions to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the DENVER AND RIO GRANDE WESTERN RAILWAY COMPANY (DRGW), filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights as follows:

(a) In Finance Docket No. 30,000 (Sub-No. 18), over the lines of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Pueblo, CO and Kansas City, MO a total of 619 miles, and the related use of terminal facilities.

(b) In Finance Docket No. 30,000 (Sub-No. 19), over the lines of the WESTERN PACIFIC RAILROAD COMPANY and its subsidiaries between Salt Lake City, UT and points in Utah, Nevada, and California, a total of 1,266 main line and 216 branch line miles, and the related use of terminal facilities.

DRGW currently provides service in Colorado and Utah.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket No. 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company (WP). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by DRGW in Finance Docket No. 30,000 (Sub-No. 18) involve a portion of the MP lines sought to be controlled by UPC; the trackage rights sought by DRGW in Finance Docket No. 30,000 (Sub-No. 19) involve the WP lines sought to be controlled by UPC.

Under our Railroad Consolidation Procedures, responsive trackage rights such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 22, 1980, the Commission granted DRGW's request for an extension of time until February 12, 1981, to file certain specific infomation otherwise required to be filed with the applications pursuant to regulation.[2] At prehearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

In its comments filed December 15, 1981, DRGW stated its intention to seek, as conditions to approval of the transactions proposed by UP, trackage rights over MP's line between Pueblo, CO and Kansas City, MO, as well as independent rate making authority to enable it to establish competitive rates to, from and via all points on lines of the WP, and procompetitive traffic conditions. DRGW also stated at that time that it was engaged in negotiations with the primary applicants concerning trackage rights relief which could have an impact on its position in the case.

Although the application in Finance Docket No. 30,000 (Sub-No. 19) for trackage rights over the entire WP system was not specifically announced in its comments as required by our regulations, 49 CFR 1111.4(d), and our October 15, 1980 order accepting the primary applications, UP had actual notice, as a result of its negotiation with DRGW, that such relief might be sought. The Commission was also on notice, as the result of a waiver petition filed by DRGW December 1, 1980, that similar relief might be sought. Because no one will be prejudiced thereby, we will accept DRGW's application for consideration.

The applications substantially comply with the applicable regulations, wavers and extensions granted in this proceeding. A minor deficiency exists in DRGW's applications. DRGW has failed to file a copy of a machine readable tape containing the data shown in Exhibit 19, state-to-state revenue carloads interchanged. This information must be provided by February 20, 1981. We accept these trackage rights applications upon the condition that the applications are properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for

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[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66628 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000 *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

disposition with the applications in Finance Docket No. 30,000 *et al.* Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. No. 30,000 (Sub-No. 18) or F.D. No. 30,000 (Sub-No. 19)) and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than March 3, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

John H. Caldwell, Hamel, Park McCabe & Saunders, 1776 F St., NW, Washington, DC 20006.

Samuel R. Freeman, Vice President & General Counsel, Denver and Rio Grande Western Railway Company, P.O. Box 5482, Denver, CO 80217.

and (2) representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179.

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103.

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 30,000, *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to DRGW's applications as filed.

It is ordered:

1. The applications in Finance Docket No. 30,000 (Sub-Nos. 18 and 19) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. The decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4090 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-34)]

Kansas City Southern Railway Co. and Louisiana & Arkansas Railway Co., Acquisition and Trackage Rights Over Missouri Pacific Railroad Co. in LA, TX, AR, and IL; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of the Kansas City Southern Railway Company and the Louisiana & Arkansas Railway Company to acquire rights-of-way from and trackage rights over the Missouri Pacific Railroad Company. This application is filed as a proposed condition to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of this application.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 3, 1981 the KANSAS CITY SOUTHERN RAILWAY COMPANY and its wholly-owned subsidiary LOUISIANA & ARKANSAS RAILWAY COMPANY (collectively KCS), filed with the Interstate Commerce Commission an application under 49 U.S.C. 11343 for acquisition of certain rights-of-way and trackage rights as follows: (a) Ownership of MISSOURI PACIFIC RAILROAD COMPANY (MP) rights-of-way from Hamburg to Simmesport, LA a total of 7.78 miles, and from Lettsworth to Lobdell, LA, a total of 45.15 miles. (b) Trackage rights and related use of terminal facilities over the mainline tracks of MP as follows: from DeQuincy to Lobdell (West Jct.), LA, a total of 139.7 miles; from Beaumont to Houston and Galveston, TX, a total of 130.9 miles; from Lobdell to New Orleans, LA, a total of 92.7 miles; from Dallas to Fort Worth, TX, a total of 38.6 miles; and from Texarkana, AR to East St. Louis, IL, a total of 523.4 miles.

KCS operates a rail system serving MO, KS, OK, AR, LA and TX.

This application has been filed as a proposed condition to the applications in Finance Docket 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company (WP). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484.

The right-of-way which KCS seeks to acquire involves a portion of the MP lines sought to be controlled by UPC; the various trackage rights sought by KCS also involve a portion of the MP lines sought to be controlled by UPC.

Under our Railroad Consolidation Procedures, responsive applications such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 22, 1980, the Commission granted KCS's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the application pursuant to regulation.[2] At prehearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time of February 20, 1981, to file verified statement in support of the applications.

The application substantially complies with the applicable regulations, waivers and extensions granted in this proceeding. Several minor deficiencies exist in the KCS application. A copy of a machine readable tape containing the data shown in Exhibit 19, state-to-state revenue carload interchange data, and the Exhibit 21 Freight Car Fleet data for 1977 and 1978 have not been provided. This information must be filed by February 20, 1981. We accept this application upon the condition that it is properly completed by the extension date.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The application accepted here will be consolidated for disposition with the applications in Finance Docket 30,000, *et al.* Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982.

Service of an initial decision will be waived, and determination of the merits of the application will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-No. 3), 363 I.C.C. 200 (1980) 45 FR 62991 (September 23, 1980).

[2] Ex Parte No. 282 (Sub-No. 3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

Participation in the Proceeding: Comments

Interested persons may participate formally in this proceeding by submitting written comments regarding the application. Such submissions shall indicate the exact proceeding designation (F.D. 30,000 (Sub-34)), and an original and 10 copies shall be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than by March 3, 1981. Persons must file under separate headings their comments on each proposal. Such comments shall include the following: the person's position, in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to participate or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as a formal party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, the Attorney General of the United States, and

(1) Applicant's representatives:

Joseph Auerbach, Sullivan & Worcester, 100 Federal St., Boston, MA 02110
Phillip S. Brown, 114 West 11th St., Kansas City, MO 64105
David M. Schwartz, Sullivan & Worcester, 1025 Connecticut Ave., N.W., Washington, D.C. 20036

and (2) the representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179
Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103
Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because this application is itself a proposed condition to approval of the application in Finance Docket 30,000 *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to KCS's application as filed.

It is ordered:

1. The application in Finance Docket 30,000 (Sub-34) is accepted for consideration, subject to the condition that it is completed by dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4992 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-20-33)]

Missouri-Kansas-Texas Railroad Co.; Trackage Rights Over Missouri Pacific Railroad Co.; Union Pacific Railroad Co., and Terminal Railroad Association of St. Louis, Mo.; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Missouri-Kansas-Texas Railroad Company for trackage rights and related use of terminal facilities over the Missouri Pacific Railroad Company, Union Pacific Railroad Company, and Terminal Railroad Association of St. Louis, MO. These applications are filed as proposed conditions to possible approval of the applications by which Union Pacific Corporation and Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 4514, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, The MISSOURI-KANSAS-TEXAS RAILROAD COMPANY (MKT) filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights, and under 49 U.S.C. 11103 for related use of terminal facilities, as follows:

(a) In Finance Docket 30,000 (Sub-20), over the lines of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Sedalia and St. Louis, MO a total of 187.2 miles.

(b) In Finance Docket 30,000 (Sub-21), over the lines of the MP between San Antonio and Laredo, TX, a total of 151.8 miles, and in Finance Docket 30,000 (Sub-22) for related use of terminal facilities at Laredo, TX.

(c) In Finance Docket 30,000 (Sub-23), over the lines of the MP between San Antonio and Corpus Christi, TX, a total of 148 miles, and in Finance Docket 30,000 (Sub-24) for related use of terminal facilities at Corpus Christi, TX.

(d) In Finance Docket 30,000 (Sub-25), over the lines of the MP between Kansas City, KS and Omaha, NE, a total of 187.2 miles, and in Finance Docket 30,000 (Sub-28) for related use of terminal facilities at Atchison, KS.

(e) In Finance Docket 30,000 (Sub-26), over the lines of the MP between Union and Lincoln, NE, a total of 47.6 miles, and in Finance Docket 30,000 (Sub-27), for related use of terminal facilities at Lincoln, NE.

(f) In Finance Docket 30,000 (Sub-29), over the lines of the UNION PACIFIC RAILROAD COMPANY (UP) between Omaha, NE and Council Bluffs, IA, a total of 11.1 miles, and in Finance Docket 30,000 (Sub-30), for related use of terminal facilities at Council Bluffs, IA.

(g) In Finance Docket 30,000 (Sub-31), over the lines of the UP between Kansas City and Topeka, KS, a total of 66.7 miles, and in Finance Docket 32, for related use of terminal facilities at Topeka, KS.

(h) In Finance Docket 30,000 (Sub-33), over the lines of the Terminal Railroad Association of St. Louis, MO, a total of 9 miles.

MKT currently provides service in MO, KS, TX and OK.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and UP (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MPC) and the Western Pacific Railroad Company (WP). Notice of those applications was published in the Federal Register on October 15, 1980, at 45 FR 68484. The trackage rights sought by MKT in Finance Docket 30,000 (Sub-20–27 and 33) involve portions of the MP lines sought to be controlled by UPC.

Under our Railroad Consolidation Procedures, responsive trackage rights applications such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 8, 1980, the Commission granted MKT's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the applications pursuant to regulation.[2] At prehearing conference on January 6, 1981, hearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

The applications substantially comply with the applicable regulations, waivers and extensions granted in this proceeding. We accept these trackage rights applications upon the condition that the applications are properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for disposition with the applications in Finance Docket 30,000 *et al.* Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

[1] 49 CFR Subpart 1111, *as amended by* Ex Parte 282 (Sub-3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte 282 (Sub-3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation F.D. 30,000 (Sub-20, 21, 22, etc.) and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than March 3, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

William A. Thie, General Counsel, Missouri-Kansas-Texas Railroad Company, 701 Commerce Street, Dallas, TX 75202

Eldon S. Olson, Wheeler & Wheeler, 1729 H Street, NW., Washington, DC 20006

and (2) representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President—Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103

Walter G. Treanor, Senior Vice President—Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated

active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket 30,000, *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to MKT's applications as filed.

It is ordered:

1. The applications in Finance Docket 30,000 (Sub-20–33) are accepted for consideration, subject to the condition that they are completed by the dates previously set.
2. The parties shall comply with all provisions as stated above.
3. The decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4901 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30,000 (Sub-14, 15, 16 and 17)]

Southern Pacific Transportation Co., and St. Louis Southwestern Railway Co.; Decision

In the matter of Southern Pacific Transportation Company and St. Louis Southwestern Railway Company, trackage rights over Union Pacific Railroad Company; St. Louis Southwestern Railway Company, trackage rights over Missouri Pacific Railroad Company; St. Louis Southwestern Railway Company, trackage rights over the Atchison, Topeka and Santa Fe Railway Company.

AGENCY: Interstate Commerce Commission.

ACTION: Applications accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Southern Pacific Transportation Company and its subsidiary St. Louis Southwestern Railway Company for trackage rights over the Union Pacific Railroad Company, the Misouri Pacific Railroad Company, and the Atchison, Topeka and Santa Fe Railway Company. These applicaitons are filed as proposed conditions to possible approval of the applications by which Union Pacific Corporation and the Union Pacific Railroad Company seek to acquire control of Missouri Pacific Corporation and Missouri Pacific Railroad Company, and Western Pacific Railroad Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by March 3, 1981. Oral hearing in this consolidated proceeding will begin March 3, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275–3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On January 13, 1981, the SOUTHERN PACIFIC TRANSPORTATION COMPANY and its subsidiary the ST. LOUIS SOUTHWESTERN TRANSPORTATION COMPANY (collected SP) filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights as follows:

(a) In finance Docket 30,000 (Sub-14), over the lines of the UNION PACIFIC RAILROAD COMPANY (UP) between Ogden, UT and Omaha/Council Bluffs, NE/IA, a total of 1,002 miles, and between Gibbon, NE and Topeka, KS, a total of 220 miles.

In Finance Docket 30,000 (Sub-15), bridge trackage rights are sought over the same segments as above.

(b) In Finance Docket 30,000 (Sub-16), over the lines of the MISSOURI PACIFIC RAILROAD COMPANY (MP) between Kansas City, MO and St. Louis, MO, a total of 432 miles.

(c) In Finance Docket 30,000 (Sub-17), over the lines of the ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY between Eton and Congo, a total of 7.8 miles, over which the MP operates pursuant to a trackage rights agreement.

SP currently provides service in AZ, CA, LA, NV, NM, UT, TX, AR, KS, MO, OK, and TN.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket 30,000, and embraced cases. In those proceedings Union Pacific Corporation, Pacific Rail System, Inc., and the Union Pacific Railroad Company (collectively UPC) seek authority to acquire control of the Missouri Pacific Corporation and Missouri Pacific Railroad Company (collectively MP) and the Western Pacific Railroad Company (WPC). Notice of those applications was published in the **Federal Register** on October 15, 1980, at 45 FR 68484. The trackage rights sought by SP in Finance Docket 30,000 (Sub-16 and 17) involve portions of the MP lines sought to be controlled by UP.

Under our Railroad Consolidation Procedures, responsive trackage rights such as those proposed here were required to be filed by January 13, 1981.[1] However, by decision served December 22, 1980, the Commission granted SP's request for an extension of time until February 12, 1981, to file certain specific information otherwise required to be filed with the applications pursuant to regulation.[2] At pre-hearing conference on January 6, 1981, Administrative Law Judge Paul Cross granted a further request for extension of time to February 20, 1981, to file verified statements in support of the applications.

The applications substantially comply with the applicable regulations, waivers and extensions granted in this proceeding. A minor deficiency exists in SP's applications. SP has not filed its annual reports to stockholders for 1978 and 1979. This information must be provided by February 20, 1981. We accept these trackage rights applications upon the condition that the applications are properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for disposition with the applications in Finance Docket 30,000 *et al.*

Those applications are the subject of an oral hearing conducted by Administrative Law Judge Paul Cross, commencing March 3, 1981. By statute, the evidentiary phase of these proceedings must end by October 15, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

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[1] 49 CFR Subpart 1111, *as amended by* Ex Parte (Sub-3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Ex Parte 282 (Sub-3), *Railroad Consolidation Procedures* (served November 8, 1979), 44 FR 66626 (November 20, 1979). Those regulations are applicable to this proceeding. F.D. 30,000, *Union Pacific Corp.-Control-Missouri Pacific Corp.* (served August 25, 1980), 45 FR 63164 (September 23, 1980).

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. 30,000 (Sub-14, 15, 16, or 17)), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423, no later than March 3, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representative: Herbert A. Waterman, Vice President and General Counsel, Southern Pacific Transportation Co., One Market Plaza, Southern Pacific Bldg., San Francisco, CA 94105; and (2) representatives of primary applicants UPC, MPC and WP:

C. Barry Schaefer, Vice President-Law, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179

Mark M. Hennelly, Senior Vice President & General Counsel, Missouri Pacific Railroad Company, 210 N. 13th Street, St. Louis, MO 63103

Walter G. Treanor, Senior Vice President-Law, The Western Pacific Railroad Company, 526 Mission St., San Francisco, CA 94105

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served January 23, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket 30,000, *et al.*,

The Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to SP's applications as filed.

It is ordered:

1. The applications in Finance Docket 30,000 (Sub-14–17) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on February 12, 1981.

Decided: February 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4989 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-4)]

Union Pacific Railroad Co.; Exemption for Contract Tariff ICC-UP-C-0001; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file this contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Richard Schiefelbein (202) 275–7656, (202) 275–0826

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad Company requested that we authorize short notice for their proposed tariff ICC-UP-C-0001. That tariff will reflect a 3-month contract with Chrysler Corporation. The contract provides a 5-percent rate reduction in exchange for guaranteed tender (during the term of the contract) by Chrysler of a specified percentage of the shipper's set-up motor vehicle traffic. Chrysler's financial difficulties have prompted this request. The carrier states that the proposed rate reduction will enable Chrysler to arrange continued financing.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here. This is identical to actions taken to reduce the notice period in similar circumstances in proceedings including Ex Parte No. 387 (Sub-No. 3). *Southern Pacific Transportation Company and St. Louis Southwestern Railway Company Exemption for Contract Tariff ICC-SP-4575*, served January 23, 1981 [46 FR 9796, January 29, 1981].

Union Pacific states it is not aware of any shippers or ports which intend to protest the subject contract. We note that in Ex Parte No. 387 (Sub-No. 3), *supra*, the exemption order also covered a special arrangement with Chrysler Corporation. The instant proposal also should enhance carrier service by encouraging efficient movements and should not impair the carrier's obligation to provide service to other shippers. An early effective date is necessary to assist Chrysler in its financing arrangements.

In this unusual situation, we believe the sought exemption should be granted. Union Pacific has already indicated in its petition a willingness to be bound by the following conditions, which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Thus, subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: February 5, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and

Alexis. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-4868 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions Volume; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4-006

Decided: January 30, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 1977 (Sub-54), filed January 12, 1981. Applicant: NORTHWEST TRANSPSORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Transporting *general commodities* (except classes A and B explosives), (1) Between Phoenix, AZ and San Francisco, CA serving all intermediate points, and serving the off-route points of Carson City, NV, and Herlong, Yuba City, and Marysville, CA: From Phoenix over AZ Hwy 93 to junction U.S. Hwy 93, then over U.S. Hwy 93 to Kingman, AZ, then over U.S. Hwy 93 to Henderson, NV, then over U.S. Hwy 95 to Las Vegas, NV, then over U.S. Hwy 95 to Fallon, NV, then over Alternate U.S. Hwy 50 to junction Interstate Hwy 80, then over Interstate Hwy 80 to San Francisco: (2) Between Phoenix, AZ and Oakland, CA serving all intermediate points, and serving the off-route point of Lake Havasu City, AZ: From Phoenix over AZ Hwy 93 to junction U.S. Hwy 93, then over U.S. Hwy 93 to Kingman, AZ, then over Interstate Hwy 40 to Barstow, CA, then over CA Hwy 58 to junction Interstate Hwy 5, then over Interstate Hwy 5 to junction Interstate Hwy 580, then over Interstate Hwy 580 to Oakland.

MC 19537 (Sub-7), filed January 19, 1981. Applicant: MAJORIE C. BEAN, CLARK TILLMAN TUCKER AND VIGIL BROOKS TUCKER, III, d.b.a. CLARK TRUCK LINE, a Partnership, 628 Carnation, Tupelo, MS 38801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives), serving the facilities of The Peoploungers, Inc., at or near Nettleton, MS as an off-route point in connection with carrier's otherwise authorized regular-route operations.

MC 19537 (Sub-8), filed January 21, 1981. Applicant: MAJORIE C. BEAN, CLARK TILLMAN TUCKER AND VIGIL BROOKS TUCKER, III, d.b.a. CLARK TRUCK LINE, a Partnership, 628 Carnation St., Tupelo, MS 38801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Tupelo and New Alban, MS, over U.S. Hwy 78, serving all intermediate points, and (2) between Pontotoc and Sherman, MS, over MS Hwy 9, serving all intermediate points.

MC 29886 (Sub-382), filed January 26, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314-39th Ave., Kenosha, WI 53142. Representative: Carl G. Van Dyke (same address as applicant). Transporting *metal products*, between points in Marion and Delaware Counties, IN, on the one hand, and, on the other, points in Rutherford County, TN.

MC 54847 (Sub-13), filed January 21, 1981. Applicant: INTRACOSTAL TRUCK LINE, INC., P.O. Box 354, Harvey, LA 70059. Representative: Daniel Lund, 806 First National Bank of Commerce Bldg., New Orleans, LA 70112. Transporting *metal products*, (1) between points in LA and TX, and (2) between points in LA and TX, on the one hand, and, on the other, points in AL, FL, and MS.

MC 70557 (Sub-46), filed January 23, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. Transporting *machinery*, between points in the U.S.

MC 99927 (Sub-2), filed January 23, 1981. Applicant: QUIK DELIVERIES, INC., 15 Putnam Lane, Worcester, MA 01604. Representative: Macey J. Goldman, 340 Main St., Suite 910, Worchester, MA 01608. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sears, Roebuck and Co., of St. Davids, PA.

MC 105997 (Sub-12F), filed November 24, 1980. Applicant: ALL CHEMICAL TRANSPORT CORP., 1544 Irving St., Rahway, NJ 07065. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B

explosives), between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corporation, of Mundelein, IL, and Hoffmann La-Roche, Inc., of Nutley, NJ.

MC 117786 (Sub-123), filed January 26, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: Baldo J. Lutich, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *machinery*, between points in Bartholomew County, IN and Harris County, TX, on the one hand, and, on the other, points in AZ.

MC 119207 (Sub-1), filed January 22, 1981. Applicant: PROCTOR EXPRESS, INC., P.O. Box 335, Delair, NJ 08110. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except classes A and B explosives), between points in Philadelphia County, PA, Newcastle County, DE, Atlantic, Cape May, and Cumberland Counties, NJ, on the one hand, and, on the other, Baltimore, MD, Washington, DC, those points in PA on and east of U.S. Hwy 15, NJ and DE.

MC 123407 (Sub-663), filed January 21, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *pulp, paper and related products*, between points in Carlton and Crow Wing Counties, MN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 144757 (Sub-3), filed January 19, 1981. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 308 W Blvd., Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *lumber and wood products, and forest products*, between points in the U.S., under continuing contract(s) with Kokanee Cedar Sales, Inc., of Bonners Ferry, ID, Intermountain Orient, Inc., of Boise, ID, Gibbs Lumber Co., of Lake Elmo, MN; and Hearin Forest Industries, of Portland, OR.

MC 146807 (Sub-25), filed January 21, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same address as applicant). Transporting *rubber and plastic products*, between points in TX, LA, and WV, on the one hand, and, on the other, points in PA, NJ, and OH.

MC 148647 (Sub-11), filed January 19, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH.

MC 148647 (Sub-12), filed January 26, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Container Corporation of America, of Carol Stream, IL.

MC 150837 (Sub-1), filed January 12, 1981. Applicant: GREENWOOD TRUCKING, LTD., Rt. 4, Hwy 12, Baraboo, WI 53913. Representative: Robert A. Greenwood, 732 Second St., Baraboo, WI 53913. Transporting (1) *farm products*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Sauk County Farmers Union Co-Operative Supply Company of Baraboo, WI.

MC 151927 (Sub-1), filed January 22, 1981. Applicant: COLORADO & EASTERN, INC., P.O. Box 30, Delafield, WI 53018. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, and (3) *metal products*, between points in the U.S.

MC 151957 (Sub-1), filed January 22, 1981. Applicant: J. J. STREIBICK AND A. NEIL DeATLEY, a partnership, d.b.a. EXCEL TRANSPORT, Box 775, Lewiston, ID 83501. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. Transporting (1) *Forest products*, (2) *lumber and wood products*, and (3) *hog fuel*, between points in the U.S. under continuing contract(s) with Potlack Corporation, of Lewiston, ID.

MC 152257 (Sub-1), filed January 21, 1981. Applicant: LORDCO TRUCKING, INC., 555 North Tripp St., Chicago, IL 60610. Representative: Paul J. Maton, 10 S. LaSalle St. Rm. 1620, Chicago, IL 60603. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with G. Heileman Brewing Company, Inc., of LaCrosse, WI and C & K Distributors, Inc., of Chicago, IL.

MC 152627 (Sub-1), filed January 22, 1981. Applicant: BOB HEAD, Box 518, Indiana, PA 15701. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting *machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products, and byproducts, and *machinery, equipment, materials* and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe in connection with main pipelines, between points in PA, OH, NY, MD, MI, IN, IL, MO, KS, OK, TX, LA, AR, MS, TN, KY, VA, WV, NJ, CT, RI, and MA.

MC 153657, filed January 9, 1981. Applicant: HIGHLAND FREIGHT LINES, INC., 9221 Wildwood Dr., Highland, IN 46322. Representative: Clifford E. Duggan, 3520 42nd Place, Highland, IN 46322. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 153697, filed January 21, 1981. Applicant: MLA EXPRESS, INC., 6875 Washington Ave. So., Suite 212, Minneapolis, MN 55435. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Midwest Lumber Associates, of Minneapolis, MN.

MC 153727, filed January 22, 1981. Applicant: P. R. EXPRESS, INC., 554 Court St., Brooklyn, NY 11232. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives), between points in Fairfield, New Haven, Litchfield, Hartford, and Middlesex Counties, CT; Bergen, Passaic, Essex, Morris, Somerset, Monmouth, Mercer, Union and Hudson Counties, NJ, and Suffolk, Nassau, Queens, Kings, Westchester, Bronx, New York, Orange, Rockland, Putnam, Ulster, Dutchess and Richmond Counties, NY.

Volume No. OP4-009

Decided: February 5, 1981.

By the Commission, Review Board No. 2, Members Chandler, Eaton, and Liberman.

MC 66807 (Sub-9), filed January 22, 1981. Applicant: MANUFACTURERS EXPRESS, INC., P.O. Box 270, New Haven, CT 06519. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *general commodities* (except classes A and B explosives), between points in

NY, NJ, CT, MA, and RI, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, and PA.

MC 110817 (Sub-32), filed January 23, 1981. Applicant: E. L. FARMER & COMPANY, P.O. Box 3512, Odessa, TX 79760. Representative: Mike Cotten, P.O. 1148, Austin, TX 78767. Transporting *mercer commodities*, between points in CA, IA, ID, MN, ND, NE, OR, SD, and WA; (2) between points in CA, IA, ID, MN, ND, NE, OR, SD, and WA, on the one hand, and, on the other, points in AL, AR, AZ, CO, IL, KS, LA, MS, MO, MT, NM, NV, OK, TN, TX, UT, and WY; and (3) between points in MT, on the one hand, and, on the other, points in AZ, CO, KS, NM, NV, UT, and WY.

MC 153797, filed January 21, 1981. Applicant: C G & S TRUCKING CO., P.O. Box 67, Wood River, IL 62095. Representative: Joseph E. Rebman, 314 N. Broadway, 13th Floor, St. Louis, MO 63102. Transporting *petroleum, natural gas and their products*, between points in the U.S.

Volume No. OP4-227

Decided: February 5, 1981

By the Commission, Review Board No. 1, Members Carleton, Joyce, and Jones.

MC 27817 (Sub-175F), filed January 9, 1981. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 No. Front St., Harrisburg, PA 17101. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC, restricted to traffic originating at or destined to the facilities of American Can Company, and its subsidiaries.

MC 34087 (Sub-13), filed January 16, 1981. Applicant: NORMAN HILLS, Route 60, Fredonia, NY 14063. Representative: Norman Hills (same address as applicant). Transporting (1) *chemicals and related products* and (2) *transportation equipment*, between points in the U.S., under continuing contract(s) with STP Division of Esmark Corp. of Painesville, OH.

MC 114777 (Sub-3), filed January 12, 1981. Applicant: F. G. ADAMS CO., INC., County Rd., P.O. Box 97, West Wareham, MA 02576. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting (1) *rubber and plastic commodities*, and *clay, concrete, glass or stone products*, between points in MA and RI, on the one hand, and, on the other, points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and (2) *general commodities* (except classes A and B explosives), between points in MA. Condition: Issuance of a certificate in this proceeding is subject to prior to coincidental cancellation, at applicant's written request, of Certificate of Registration No. MC 114777 (Sub-No. 2).

MC 119777 (Sub-513), filed January 14, 1981. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L," Madisonville, KY 42431. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Robintech, Incorporated, of Ft. Worth, TX.

MC 120517 (Sub-1F), filed December 4, 1980. Applicant: M. D. SNIDER, d.b.a. M. D. SNIDER, CONTRACTOR, P.O. Box 299, Price Rd., Pampa, TX 79065. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701. Transporting (1) *machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in CO, KS, LA, NM, WV, and those in TX on and east of Interstate Hwy 35.

Note.—Applicant intends to tack the authority in this proceeding with its existing authority.

MC 123407 (Sub-661F), filed January 9, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). Transporting *metal products*, between points in Madison County, IL, on the one hand, and, on the other, those points in the U.S. in and east of MT, WY, CO., and NM.

MC 124117 (Sub-46F), filed January 9, 1981. Applicant: EARL FREEMAN and MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *petroleum, natural gas and their products*, between points in AR, AL, GA, IL, LA, MO, NJ, TX, on the one hand, and, on the other, points in AL, GA, KY, and TN.

MC 134467 (Sub-74), filed January 19, 1981. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *general commodities* (except classes A and B explosives) between points in Green and Dane Counties, WI on the one hand, and, on the other, points in the U.S.

MC 145457 (Sub-7F), filed January 5, 1981. Applicant: B & M EXPRESS, INC., P.O. Box 81506, Oklahoma City, OK 73148. Representative: William P. Parker, Suite 615, East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *food and related products*, between points in Bend County, TX, on the one hand, and, on the other, points in AR, KS, and OK.

MC 153627 (Sub-1F), filed January 8, 1981. Applicant: STAR TRANSPORTATION COMPANY, a corporation, 5806 N. 53rd St., Tampa, FL 33610. Representative: Robert B. Nadeau, Jr., 17th Floor, CNA Bldg., P.O. Box 231, Orlando, FL 32802 Transporting *general commodities* (except classes A and B explosives) between points in FL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-5022 Filed 2-11-81; 8:45 am]

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[Vol. No. OP4-007]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: January 30, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation services and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in oppostion.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Agatha L. Mergenovich,

Secretary.

MC 93147 (Sub-1), filed January 22, 1981. Applicant: DELTA TRANSPORT CORPORATION, 840 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Springfield, MA 01103. As a *broker of property* (except household goods), between points in the U.S.

MC 153726, filed January 22, 1981. Applicant: JOHN A. ALBRIGHT, 4260 Beagle Dr., Central Point, OR 97502. Representative: Robert G. Walden, 3320 Nicolet Lane, Redding, CA 96001. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-5021 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. 17]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 730 (Sub-520)X, filed January 26, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS, CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 60, 323, 388, 413, 416F, 421F, 425F, 427F, 447F, 481F, and 503F certificates to broaden its commodity descriptions to "commodities in bulk" from various specified commodities which move in bulk, in tank vehicles. In addition, in Sub-No. 60, it seeks to (a) eliminate the restriction against traffic moving from Brea, CA, and points within 3 miles thereof; (b) broaden Henderson, NV, to Clark County, NV, Glendale, AZ, to Maricopa County, AZ, Minnequa, CO, to Pueblo County, CO; and Anaconda, MT to Deer Lodge County, MT; (c) eliminate the restriction against sulfuric acid from Garfield, UT; (d) eliminate the restriction that traffic from points in AZ to points in OR and WA must be combined with carrier's presently held authority from CA to points in OR and WA. In Sub-No. 323, it seeks to (a) eliminate the restriction against lubricating oil additives from Los Angeles, CA, to points in LA; (b) broaden Santa Maria, CA, to Santa Barbara County, CA, and Bakersfield, CA, to Kern County, CA. In Sub-No. 388, it seeks to (a) eliminate the named facilities at Sugar Land, TX, and to broaden Sugar Land, TX, to county-wide authority in Fort Bend County, TX, (b) eliminate the restriction against the transportation of spent catalyst and silica get catalyst to points in AR, LA, and OK. In Sub-No. 413F, it seeks to (a) broaden the territory from named facilities in Harris County, TX, to county-wide authority, remove the restriction originating at the named origins, and remove the exception of TX in its authority from the TX County to points in the U.S. In Sub-No. 416F, it seeks to (a) eliminate the named facilities at Freeport, TX, and to broaden Freeport, TX to county-wide authority in Brazoria County, TX and (b) remove the restriction to shipments originating at and destined to the facilities of the shipper. In Sub-No. 421F, (a) eliminate the named facilities at Texas City, TX, and to broaden Texas City to county-wide authority in Galveston County, TX, (b) eliminate the "originating at" restriction. In Sub-No. 425F, eliminate the named facilities at Lake Charles, LA, and broaden Lake Charles, LA, to county-wide authority in Calcasieu County, LA. In Sub-No. 427F, it seeks in part (1) to replace specified points with county-wide authority as follows: Monticello, AR, with Drew County, AR, Compton, CA, with Los Angeles County, CA; in part (2) Doe Run, KY, with Meade County, KY, Gallipolis Ferry and Natrium, WV, with Manson and Marshall Counties, WV, Geismar, LA,

with Ascension Parish, LA, Greensboro, NC with Guilford County, NC, Wilmington, DE, with New Castle County, DE, Neville Island, PA, with Allegheny County, PA, Azusa, CA, with Los Angeles County, CA, Charleston, SC, with Charleston County, SC, Monticello, AR, with Drew County, AR. In Sub-No. 481F, it seeks to (a) eliminate the named facilities, at Houston, Texas City, and Chocolate Bayou, TX, and to broaden Texas City and Chocolate Bayou, TX, county-wide authority in Galveston and Brazoria Counties, TX. In Sub-No. 503F, it seeks to broaden the territory from facilities in Jefferson and Harris Counties, TX, to county-wide authority. Applicant seeks to remove AK and HI exceptions on its nationwide authority in Sub-Nos. 388, 413F, 416F, 425F, 427F, and 503F. Applicant also seeks to expand its one-way authority to radial authority in each of the above subs.

MC 2729 (Sub-2)X, filed February 2, 1981. Applicant: GLENWOOD TRANSIT LINE, INC., Glenwood, IA. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead certificate to (a) broaden the commodity description from general commodities (with exceptions) to general commodities (except class A and B explosives) in part (2), (b) delete the restrictions of "for pickup only" and "for delivery only" on its authorized service to intermediate and off-route points, and (c) broaden the territorial description from one-way authority to radial authority between (1) Tabor, IA and Omaha, NE, serving all intermediate points, and, off-route points within 15 miles of Tabor, IA, in connection with its milk and cream authority, and (2) between Omaha, NE and Tabor, IA, serving all intermediate points, and, off-route points within 25 miles of Tabor, IA, in connection with its general commodities authority.

MC 7647 (Sub-1)X, filed February 2, 1981. Applicant: J. & S. TRUCKING SERVICE, INC., 309 West Elizabeth Avenue, Linden, NJ 07036. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)," (2) remove a restriction limiting transportation to shipments having an immediately prior or subsequent movement by water.

MC 29642 (Sub-15)X, filed February 2, 1981. Applicant: FIVE TRANSPORTATION COMPANY, P.O. Box 1635, Brunswick, GA 31520. Representative: K. Edward Wolcott, 235 Peachtree St., NE, Suite 1200, Atlanta, GA 30303. Applicant seeks removal of restrictions in its Sub 5 certificate to (1) broaden the commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)," and (2) to remove a restriction requiring shipments to move in containers or trailers and have a prior or subsequent movement by water.

MC 38400 (Sub-8)X, filed January 30, 1981. Applicant: HITCHCOCK BROS., INC., P.O. Box 212, Canaan, CT 06018. Representative: C. Frank Hitchcock (same as above). Applicant seeks to remove restrictions in its lead and Sub-Nos. 6F and 7F certificates to broaden the commodity description (1) in its lead certificate from "lime and lime products" and "rejected lime and lime products," and (2) in Sub-No. 6 from "lime and limestone products" to "chemicals and related products, and building materials." In addition, in its lead certificate, applicant seeks to broaden Canaan, CT, to Litchfield County, CT, and expand its one-way authority to radial authority between Litchfield County, CT, and, points in MA, RI, and those in New York within 25 miles of the Connecticut-New York, and Massachusetts-New York State lines. In Sub-No. 6, it seeks to broaden Canaan, to Litchfield County, CT, and expand its one-way authority to radial authority between Litchfield County, CT, and, points in NY, NJ, PA, VT, NH, and ME. In Sub-No. 7, it seeks to broaden Millerton and Amenia, NY, to Dutchess County, NY.

MC 51018 (Sub-16)X, filed January 27, 1981. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Ave., Cincinnati, OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its Sub-Nos. 8, 9, 11F, 12F and 14F certificates to (a) broaden the commodity description from self-propelled articles, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers) to "self-propelled articles," in part 2 of Sub 8; (b) broaden its Sub-No. 9 commodity description from iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils to "metal products"; (c) in Sub-No. 11F replace one-way with radial authority between points in Butler, Clermont, Hamilton, Montgomery and Warren Counties, OH, those points in Kentucky within the Cincinnati, OH commercial zone, and points in AL, AR, GA, LA, MS, NC, OK, SC, and TN; (d) in Sub-No. 12F delete a plantsite restriction, replace one-way authority with radial between points in Madison County, KY and points in the U.S., and delete the exception of AK and HI; (e) in Sub-No. 14F replace one-way authority with radial between Cincinnati, OH, points in Butler, Clermont, Hamilton, Montgomery and Warren Counties, OH, and, points in IA and MN.

MC 55889 (Sub-69)X, filed January 27, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Turney & Turney, 7101 Wisconsin Avenue, Washington, D.C. 20014. Applicant seeks to remove restrictions in its Sub-No. 40 certificate by (1) broadening the commodity description to "general commodities (except classes A and B explosives)," (2) authorizing service at all intermediate points in connection with its regular-route operations between Georgia, Louisiana, and Florida points, and, (3) removing the restrictions against (a) service at intermediate points in AL and GA, (b) local service between Columbus, GA, and points in FL, and, (c) limiting service at Mobile, AL, to the transportation of traffic moving from or to points in FL, LA, and GA.

MC 65475 (Sub-44)X, filed January 30, 1981. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-No. 29F certificate to (1) broaden its commodity description from tanks, tank components, and ducts, to "metal products," (2) replace its one-way authority with radial authority and replace a named plantsite at or near Kennerdell, PA, with county-wide authority of Venango County, PA, to authorize service between Venango County and points in the United States and (3) remove the restriction against transportation in AK and HI.

MC 82093 (Sub-5)X, filed February 2, 1981. Applicant: PORTAGE TRANSFER COMPANY, P.O. Box 86, Hiram, OH 44234. Representative: Stephen J. Habash, 100 E. Broad St., Suite 1800, Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 4F permit to broaden the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

MC 91306 (Sub-34)X, filed January 26, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 Ninth Avenue,

NE, Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW, Washington, DC 20005. Applicant seeks to broaden the commodity description (1) in its lead certificate from (a) general commodities, (with the usual exceptions) to "general commodities (except classes A and B explosives)," (b) roofing materials to "building materials," (c) canned goods, apple products and vinegar, coffee, sugar, cotton seed meal, oyster shells, potatoes, eggs and live poultry to "food and related products," (d) wooden staves, and furniture dimension stock and unfinished furniture to "lumber and wood products," (e) toilet preparations to "chemicals and related products," and (f) new furniture and furniture parts to "furniture and fixtures," (2) in Sub-No. 24F from toilet paper to "pulp, paper and related products"; (3) in Sub-Nos. 23F, part 1, and 29F, from electrical wiring, plugs, and receptacles, sockets, electric switches, extension cords, power supply cords, copper wire, materials and supplies used in the manufacture thereof, and, electrical equipment and parts, and materials and supplies used in the manufacture of these commodities, to "machinery"; (4) in Sub-No. 21F, from metal cans to "metal products"; (5) in Sub-Nos. 7 and 30F, from wool in grease and scoured wool, both when imported from any foreign country, and wood noils, and fiberglass to "textile mill products, and materials and supplies used in the manufacture of textile mill products"; and (6) in Sub-Nos. 23F, part 2, and 26F, from plastic materials other than expanded, and, plastic tips and holders used in the manufacture of cigars to "rubber and plastic products." Applicant seeks to broaden the territorial description from city-wide authority to county-wide authority: in it's lead certificate, Davidson County, NC (for Lexington and Thomasville, NC); York County, PA (for York, PA); Adams County, PA (for Biglerville, PA); Berkeley County, WV (for Inwood, WV); Frederick and Montgomery Counties, MD (for Frederick and Gaithersburg, MD); Forsyth, Surry, Yadkin and Wilkes Counties, NC (for Winston-Salem, Mount Airy, Pilot Mountain, Yadkinville and North Wilkesboro, NC); Kershaw and Lancaster Counties, SC (for Kershaw and Lancaster, SC); Union County, NJ (for Rahway, NJ); Catawba, Caldwell and Lincoln Counties, NC (for Conover, Hickory, Lenoir, Licolnton and Newton, NC); in the lead and Sub-No 7, Surry County, NC (for Elkin, NC); in Sub-No. 21F, Monroe County, NY (for Fairport, NY); in Sub-No 23, Bristol County, MA (for South Attleboro, MA), Ashe County, NC (for West Jefferson, NC), and, Niagara and Erie Counties, NY (for North Tonawanda and Buffalo, NY); in Sub-No. 24F, Washington County, NY (for Greenwich, NY); in Sub-No. 26F, Gaston County, NC (for Gastonia, NC), and Luzerne County, PA (for Kingston, PA). Applicant also seeks radial authority in lieu of existing one-way authority between named counties and points in numberous states in the lead and Sub-Nos. 7, 21F, 23F, 24F, and 26F certificates.

MC 115771 (Sub-16)X, filed January 28, 1981. Applicant: SEAWHEELS, INC., P.O. Box 810, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. Applicant seeks to remove restrictions in its Sub-11 certificate which authorizes in part (1) the transportation of mobile offices, mobile shops, mobile storage units, and mobile display facilities (except trailers designed to be drawn by passenger automobiles; and buildings in sections mounted on wheeled under carriages with hitchball connectors), by removing all exceptions of its commodity authority and general commodities in part (2) (with exceptions) by removing all exceptions except classes A and B explosives, in part (2). Applicant also seeks to broaden its territorial description which authorizes radial transportation between points in MD, NJ, NY, PA, and VA, and points in the United States (with exceptions), by removing Alaska and Hawaii from the excepted States.

MC 115841 (Sub-781)X, filed January 27, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 22168, McBride Lane, Knoxville, TN 37922. Representative: Chester G. Groebel (same as applicant). Applicant seeks to remove restrictions in its Sub-320, 438, 624, 655, 676, and 714 certificates to (1) broaden the commodity descriptions to "food and related products" from (a) food, foodstuffs and food preparations (except bananas and commodities in bulk), and advertising premiums and display materials in Sub-320, (b) food, food preparations, and food ingredients, (except sugar, bananas and commodities in bulk) in Sub-438, (c) frozen foods (except meats) in Sub-624, (d) frozen foodstuffs and salads in Sub-655, (e) frozen foods and materials and supplies (except commodities in bulk, in tank vehicles) in Sub-676 and, (f) cheese and cheese products (except commodities in bulk) in Sub-714, (2) delete the mechanical refrigeration restriction in Sub-320, 438, and part (2) of 655, (3) remove restrictions limiting service to traffic originating at and destined to named destinations in Sub-438, 624, and 676, (4) replace the named facilities at or near Murfreesboro and Nashville, TN with Rutherford and Davidson Counties, TN in Sub-676 and, (5) replace the one-way authority with radial authority between (a) a described portion of NY and points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, WI, WV, and a described portion of PA in Sub-320, (b) points in NY, CT, MA, RI, NJ, PA, MD, DE, VA, DC and points in KY, VA, NC, SC, TN, GA, FL, AL, MI, AR, LA, OK, and TX in Sub-438, (c) points in FL and points in AL, CT, DE, IL, IN, KY, ME, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV and DC, in Sub-624, (d) points in CA and points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, NC, NE, NJ, NY, OH, OK, PA, SC, TN, TX, VA, WI, WV, and DC in Sub-655, and (e) points in OH and points in AL, AR, FL, GA, LA, MS, NC, NM, OK, SC, TN, and TX, in Sub-714.

MC 117344 (Sub-286)X, filed January 22, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West 5th Ave., Columbus, OH 43212. Applicant seeks to (1) remove all restrictions in its commodity descriptions in Sub-27, 108, 111, 158, 182, 184, 187, 193, 212, 222, 229, 231, 240, 266, and 278, certificates, to expand its commodity authority in each to "commodities, in bulk," in place of specified commodities that move in bulk, in tank vehicles, such as acids and chemicals as described in the *Descriptions* case, (except vinyl acetate to Illiopolis, IL) in Sub-27; phosphatic fertilizer solutions (not including phosphoric acid), Sub-111; and petroleum and petroleum products, restricted against the transportation of (a) liquid hydrogen to points in IL and HO, and (b) road building and construction materials to points in nineteen KY counties, and Hamilton County, OH in Sub-158; (2) remove restrictions in each which limit service to the transportation of traffic originating from or destined to a particular shipper's facilities; (3) substitute specific counties for the plantsites and cities; and, (4) change one-way authority to authorize radial authority: in Sub-27, between Allen County, OH, and points in five States; in Sub-108, between Vigo County, IN, and points in eight States; in Sub-111, between Wayne County, MI and points in three States; in Sub-143, between Kenton County, KY, and points in OH; in Sub-158, between Jackson County, IN, and points in three States; in Sub-182, between Lawrence County, OH, and

points in thirty-eight States and DC; in Sub-184, between Wayne County, WV, and points in thirty States and OH (except eight named OH counties); in Sub-187, between Hamilton County, OH, and points in sixteen States; in Sub-193, between Scioto County, OH, and points in twenty-three States, IL (except points in IL in the St. Louis, MO-East St. Louis, IL commercial zone), MO (except St. Louis, MO, and points in the St. Louis, MO-East St. Louis, IL commercial zone), and TN (except Kingsport and Elizabethton, TN, and points in those commercial zones); in Sub-212, between Davies County, KY, and points in sixteen States, and IL (except points in the St. Louis, MO-East St. Louis, IL commercial zone, and MI (except points in the Detroit, MI commercial zone), and MO (except points in the St. Louis, MO-East St. Louis, IL commercial zone), and TN (except Kingsport and Elizabethton); in Sub-222, between Montgomery County, OH, and points in twenty-five States and DC; in Sub-229, between Greenup County, KY, and points in three States; in Sub-231, between Midland County, MI, Lawrence County, OH, Jefferson County, MO, and Will County, IL, and points in that part of the United States on and east of U.S. Hwy 85; in Sub-240, between Muscatine County, IA, and points in the United States (except points in the St. Louis, MO-East St. Louis, IL commercial zone); in Sub-266, between Campbell County, KY, and points in seven named States; and, Sub-278, (a) between Lake County, IN, and, Chicago, IL, Erie and Hamilton Counties, OH, Denver County, CO, Union County, AR, Iberville County, LA, Greenville County, SC, Houston, TX, Jackson and St. Louis Counties, MO, Midland, Muskegon and Gratiot Counties, MI, and Cocke County, TN; and (b) between Erie County, OH, and St. Louis, MO. Applicant also seeks to remove the restrictions against service to (a) Illiopolis, IL on movement of a named commodity in Sub-27, (b) IL and OH and nineteen counties in KY, and one county in OH on movements of named commodities in Sub-158, parts (1) and (2), (c) points in eight named TX counties on movements of a named commodity in Sub-212, (d) points in the St. Louis, MO-East St. Louis, IL commercial zone on movements of dry commodities in Sub-231, and (e) remove restrictions against service to AK, HI, and IA in its nationwide authority in Sub-240.

MC 124674 (Sub-1)X, filed January 23, 1981. Applicant: John F. Mahr, d.b.a. MAHR BROS. TRANSPORTATION CO., Standish Road, Box 507, Coventry, CT 06238. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. Applicant seeks to remove restrictions in its Permit No. MC 113083 (Sub-3, 4, and 5), to broaden both the commodity and territorial authority to authorize (a) "rubber and plastic products," from plastic and expanded plastic articles, except in bulk, and (b) "between points in the United States," under continuing contracts for two named shippers.

MC 141641 (Sub-13)X, filed January 30, 1981. Applicant: WILSON CERTIFIED EXPRESS, INC, P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its permits MC 136168 Sub-13, 14, 15, 20, 22, 33F, 36F, 37F, and 46F to (1) broaden the commodity descriptions to "food and related products" from: (a) meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides); and materials, supplies and equipment used in the manufacture, sale and distribution of the commodities named above, in Sub-13, 14, 37F, and 46F; (b) cheese in Sub-15; (c) merchandise dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration, in Sub-20; (d) canned goods in Sub-22; (e) food products, citrus products, and citrus byproducts in Sub-33F; and (f) citrus products, beverages, and fruits and vegetable juices and concentrates in Sub-36F, (2) remove the "except commodities in bulk" restrictions in Sub-13, 14, 37F, 46F, 20, and 36F, (3) eliminate the "in tank vehicles" restriction in Sub-20 and 36F, (4) remove the restriction against transporting commodities that require special equipment in Sub-14, and (5) broaden the territorial scope of named authorities to between points in the United States, under continuing contract(s) with named shippers.

MC 143059 (Sub-153)X, filed January 26, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-8, 27F, 34F, 44F, 54F, 77F, 106F, and 107F certificates to (A) broaden the commodity description to "metal products," from castings in Sub-8, iron and steel articles in Sub-27F, 34F, 77F, and 106F, unfinished structural steel and steel articles in Sub-44F, aluminum and aluminum alloy ingots and zinc alloy ingots in Sub-54F, and wrought iron pipe in Sub-107F; (B) expand its one-way authority to radial authority and to replace specified plantsites and cities with countywide authority in the following: In Sub-8, a named plantsite at Oakland, CA, with Alameda County, CA, and to serve radially between Alameda County, CA and, points in the United States; in Sub-27F, a named plantsite at Jewett, TX, with Leon County, TX, and to serve radially between Leon County, TX, and 20 States; in Sub-34F, named plantsites at Sterling and Rock Falls, IL, with Whiteside County, IL, and to serve radially between Whiteside County, IL, and, points in 20 States; in Sub-44F, a named plantsite at Portland, OR, with Portland, OR, and to serve radially between Portland, OR, and, points in CA; in Sub-54F, a named plantsite at Maple Heights, OH, with Cuyahoga County, OH, and to serve radially between Cuyahoga County, OH, and points in the United States in and east of ND, SD, NE, KS, OK, and TX; in Sub-77F, a named plantsite at Chicago, IL, with Chicago, IL, and to serve radially between Chicago, IL, and, points in AR, IN, LA, and MS; in Sub-106F, Canfield, OH, with Mahoning County, OH, Martins Ferry, OH, with Belmont County, OH, and Mingo Junction, Steubenville and Yorkville, OH, with Jefferson County, OH; Monessen, PA, with Westmoreland County, Allenport, PA, with Washington County, PA; and Beech Bottom, and Follansbee, WV, with Brooke County, WV, Benwood, WV, with Marshall County, WV, and Wheeling, WV, with Ohio County, WV, and to serve radially between the named counties, and, points in IA, IL, IN, MI, MN, MO, and WI; in Sub-107F, a named plantsite at Chicago, IL, and points in IN and IL within the Chicago, IL commercial zone, with Chicago, IL, and to serve radially between Chicago, IL, and, points in 8 States; (C) eliminate the "originating at the named origin" restrictions in Sub-27F, 34F, 5477F, 106F and 107F, and the "originating at and destined to" restriction in Sub-44F; and (D) remove territorial restrictions against transportation to AK, CA, and HI in Sub-8.

MC 144741 (Sub-5)X, filed January 30, 1981. Applicant: NETTLETON ENTERPRISES COMPANY, INC., d.b.a. NORWOOD TRANSPORT, INC., Route 1, Box 96, Elgin, Illinois 60120. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, Illinois 60603. Applicant, in its Sub-3F certificate, which authorizes the transportation of such commodities as are dealt in or used by exhibitors of

machinery, equipment and tools, between Chicago, IL, on the one hand, and, on the other, points in ND, SD, NE, KS, MO, IA, MN, WI, KY, TN, WV, OH, IN, MI and PA, seeks to remove the restriction limiting transportation to traffic originating at or destined to trade shows and facilities used by United Exposition.

MC 146293 (Sub-75)X, filed January 28, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, 5th Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub-19F certificate which authorizes transportation of general commodities (with exceptions), be removing all commodity exceptions (except classes A and B explosives). Applicant also seeks to remove the restriction which limits the service to transportation of traffic moving on freight forwarder bills of lading.

MC 149568 (Sub-3)X, filed February 2, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Applicant seeks to remove restrictions in its permit MC 124988 (Sub-4) to broaden the territorial scope of service to "between points in the United States", under continuing contract(s).

[FR Doc. 81-5020 Filed 2-11-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-17]

NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee; Meeting

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting:

NAME OF COMMITTEE: NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee.

DATE AND TIME: February 23, 1981, 8:30 a.m.-4:30 p.m., February 24, 1981, 8:30 a.m.-3:30 p.m.

ADDRESS: Library, Room 160, Space Science Laboratory, University of California at Berkeley, Berkeley, California 94705.

TYPE OF MEETING: Open.

Agenda

February 23, 1981

8:30 a.m.-9:30 a.m.—Introduction
9:30 a.m.-10:30 a.m.—NASA Headquarters Program Status
10:30 a.m.-12:30 p.m.—Solar System Exploration Programs of Other Nations
1:30 p.m.-4:30 p.m.—Instrument Definition for Future Missions

February 24, 1981

8:30 a.m.-9:30 a.m.—Solar Electric Propulsion System First Mission
9:30 a.m.-11:30 a.m.—Small Body Mission Sequence
12:30 p.m.-3:30 p.m.—Discussion of Future Plans for Solar System Exploration Committee

FOR FURTHER INFORMATION CONTACT: Mrs. Diane M. Mangel, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3728).

SUPPLEMENTARY INFORMATION: The Informal Ad Hoc Solar System Exploration Committee was established under the NASA Advisory Council to translate the scientific strategy developed by the Committee on Planetary Exploration (COMPLEX) into a realistic, technically sound sequence of missions consistent with that strategy and with resources expected to be available for solar system exploration. The committee will report its findings to the Council and to NASA. The committee is chaired by Dr. John E. Naugle, and is composed of four other members of the Council and its standing committees, who will meet with about 9 other invited participants and certain NASA personnel.

The meeting will be held at this time to take advantage of the cost savings from members' attendance at another meeting in the same city. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including committee members and invited meeting participants). Visitors will be requested to sign a visitor's register.

Gerald D. Griffin,

Acting Associate Administrator for external Relations.

February 6, 1981.

[FR Doc. 81-4878 Filed 2-11-81; 8:45 am]

BILLING CODE 7510-01-M

[81-19]

NASA Advisory Council (NAC), Aeronautics Advisory Committee; Meeting

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the following meeting.

NAME OF COMMITTEE: NAC Aeronautics Advisory Committee, Ad Hoc Subcommittee on the Proposed NASA/British Aerospace Cooperative Research Program.

DATE AND TIME: March 3, 1981, 8:30 a.m. to 4:30 p.m.

ADDRESS: NASA Headquarters, 600 Independence Avenue SW, Room 625, Washington, DC 20546.

TYPE OF MEETING: Open.

Agenda

March 3, 1981

8:30 a.m.—Introductory Remarks/Subcommittee Business
9:00 a.m.—Presentation by NASA Personnel
11:00 a.m.—Questions and Answers
11:30 a.m.—Subcommittee Discussion and Preparation of Draft Report Material
4:30 p.m.—Adjourn

FOR FURTHER INFORMATION CONTACT: Mr. Jack A. Suddreth, Code RJH-2, NASA Headquarters, Washington, DC 20546 (202/755-2366).

SUPPLEMENTARY INFORMATION: The Informal Ad Hoc Advisory Subcommittee on the Proposed NASA/British Aerospace Cooperative Research Program was established to review and prepare written comments on a proposed cooperative research program involving wake vortex marking and measurement, terminal area handling qualities, noise abatement procedures, airframe noise measurements, inlet duct surge analysis and skin friction/base drag measurements. The proposed program has been developed by NASA and British Aerospace, and will be independently assessed by the Subcommittee. The Subcommittee, chaired by Mr. William T. Hamilton, is comprised of five members.

The meeting will be open to the public up to the seating capacity of the room (approximately 48 persons including the Subcommittee members and participants).

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

February 6, 1981.

[FR Doc. 81-4880 Filed 2-11-81; 8:45 am]

BILLING CODE 7510-01-M

[81-18]

NASA Advisory Council (NAC); Space Science Advisory Committee; Meeting

The NAC Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration Headquarters on March 2-5, 1981. The meeting will be open to

the public. The meeting will take place from 9:45 a.m.–5:30 p.m. on March 2; from 8:30 a.m.–5:45 p.m. on March 3; from 8:30 a.m.–5:00 p.m. on March 4, and from 9:00 a.m.–12:00 p.m. on March 5, 1981. The meeting will be held in Room 5026 (with a seating capacity of 60 persons including the Committee members and participants) in Federal Building 6, 400 Maryland Avenue SW., Washington, D.C. 20546.

The NAC Space Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Science programs. Topics under discussion at this meeting will include a status report and overview of the Space Science programs and a discussion of long range planning. One of the main themes of the meeting will be the continuation of the discussion on "Space Science in the 1980s: Prospects and Pitfalls." The purpose of this discussion is to understand the factors which control, impede or enhance the advancement of a strong healthy program.

March 2

9:45 a.m.—Introduction, Soderblom
10:00 a.m.—Office of Space Science (OSS) Program and Budget Status, Stofan
1:00 p.m.—Report of the Space Science Board (SSB) Committee on Relativity and Gravitational Physics, I. Shapiro
2:45 p.m.—OSS Long Range Planning, Rosendhal & Division Planners

March 3

Minisymposium

8:30 a.m.—Space Science in the 1980s—Prospects and Pitfalls (Part II)

A. How NASA Communicates With the Public

Potential Speakers: Brian Duff, National Aeronautics and Space Administration; Terrence T. Finn, National Aeronautics and Space Administration; Robert Allnutt, National Aeronautics and Space Adminstration; Carl Sagan—Space Science Advisory Committee; Seth Payne—Editor, Business Week Magazine.

B. The NASA Budget Formulation Process and How NASA Interacts With the Office of Management and Budget

Potential Speakers: William Lilly, National Aeronautics and Space Administration; Hugh Loweth, Office of Management and Budget.

C. Space Science as Viewed by the Aerospace Companies

Potential Speakers: R. H. Gablehouse, Ball Aerospace Systems Division; Walter O. Lowrie, Martin Marietta Aerospace; F. C. Oder, Lockheed Missiles & Space Corporation; Paul Petty, Perkin-Elmer Corporation; R. L. Walquist, TRW; A. D. Wheelon, Hughes Aircraft Company.

March 4

8:30 am—European Space Agency Planning, Mellors
9:00 am—National Aeronautics and Space Administration Interaction with the Department of Defense, Simokaitis
10:15 am—Explorer Subcommittee Report, York
1:30 pm—Discussion/Writing Session

March 5

9:00 am—Upper Atmospheric Research/A Status Report, Tilford
10:15 am—National Aeronautics and Space Administration Project Management, Guastaferro

FOR FURTHER INFORMATION CONTACT:
Dr. Jeffrey D. Rosendhal, Acting Assistant Associate Administrator for Space Science, Code SS, NASA Headquarters, Washington, DC 20546, telephone 202/755–3653.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

February 6, 1981.

[FR Doc. 81–4879 Filed 2–11–81; 8:45 am]
BILLING CODE 7510–01–M

[81–20]

Performance Review Board; Senior Executive Service

The Civil Service Reform Act (4314(C)(4)) requires that appointments of individual members to a Performance Review Board be published in the **Federal Register.**

The performance review function for the Senior Executive Service in the National Aeronautics and Space Administration is being performed by the NASA Performance Review Board and the NASA Senior Executive Committee. The latter performs this function for senior executives who report directly to the Administrator or the Deputy Administrator. The following individuals will be serving on the Committee and the Board as of January 5, 1981:

Senior Executive Committee

Alan M. Lovelace, Chairperson
Edwin C. Kilgore
Robert F. Allnutt
Thomas P. Murphy, Deputy Assistant Secretary for Personnel, Department of Health and Human Services (Indefinite term)

Performance Review Board

Robert F. Allnutt, Chairperson
Carl E. Grant, Executive Secretary
John M. Klineberg (Term expires July 1981)
Gerald D. Griffin (Term expires July 1981)
Gerald J. Mossinghoff (Term expires July 1982)
Philip E. Culbertson (Term expires July 1982)
Richard H. Petersen (Term expires July 1983)
Clifford E. Charlesworth (Term expires July 1983)
Louis B. DeAngelis (Term expires July 1983)
Thomas N. Tate, Counsel to the Subcommittee on Space Science and Applications, Committee on Science and Technology, House of Representatives (Indefinite term)
Edwin C. Kilgore (Serves Ex-Officio in his capacity as Chairperson, Executive Resources Board).

A. M. Lovelace,

Acting Administrator.

February 6, 1981.

[FR Doc. 81–4882 Filed 2–11–81; 8:45 am]
BILLING CODE 7510–01–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, February 13, 1981 from 8:45 a.m.–5:30 p.m.; Saturday, February 14, 1981 from 9:00 a.m–5:30 p.m. and Sunday, February 15, 1981 from 9:00 a.m.–5:30 p.m. at the Four Seasons Hotel, 2800 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on Friday, February 13, 1981 from 10:00 a.m.–4:00 p.m.; Saturday, February 14, 1981 from 9:00 a.m.–3:30 p.m. and Sunday, February 15, 1981 from 9:00 a.m.–12:30 p.m. Topics for discussion will include Program Review and Guidelines for Dance, Music, Opera-Musical Theater, Challenge Grants and Inter-Arts Programs; policy discussions concerning Touring and Presenting, community arts agencies and a variety of broad policy questions for the future.

The remaining sessions of this meeting on Friday, February 13, 1981 from 8:45 a.m.–10:00 a.m. and 4:00 p.m.–5:30 p.m.; Saturday, February 14, 1981 from 4:00 p.m.–5:30 p.m. and Sunday, February 15, 1981 from 12:30 p.m.–5:30 p.m., are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980 these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 10, 1981.

[FR Doc. 81-5134 Filed 2-11-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Science Education; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Science Education
Date and Time: March 5, 1981—9:00 a.m. to 5:00 p.m., March 6, 1981—9:00 a.m. to Noon
Place: National Science Foundation, March 5: Room 540—1800 G Street, NW.; March 6: Room 543—1800 G Street, NW., Washington, D.C. 20550
Type of Meeting: Open
Contact Person: Dr. Alphonse Buccino, Director, Office of Program Integration, Room W–660, National Science Foundation, Washington, D.C. 20550, (202) 282–7947
Purpose of Committee: To provide advice on science education activities.
Agenda: Status reports; long range planning; and discussion of program oversight activities.
Summary Minutes: May be obtained from contact person, Dr. Alphonse Buccino, at the above address.

M. Rebecca Winkler,

Committee Management Coordinator.

February 9, 1981.

[FR Doc. 81-4951 Filed 2-11-81; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-7]

Reports, Responses to Recommendations; Availability

Aircraft Accident Report No. NTSB–AAR–80–14: *Air Traders International, Lockheed 1049H, N74CA, Columbus, Indiana, June 22, 1980.*—This report, released by the National Transportation Safety Board on February 3, indicates that the aircraft, carrying a flightcrew of three, and five passengers and a cargo of aircraft spare parts, crashed in a soybean field shortly after takeoff from runway 22 at Columbus Bakalar Airport. Two flight crewmembers and one passenger were killed. The aircraft was substantially damaged during the accident sequence and was destroyed by postaccident ground fire.

The Safety Board determined that the probable cause of the accident was the flightcrew's inadequate and uncoordinated response to the No. 2 engine fire warning. The flight engineer failed to correct a gradual power decay on the other engines which occurred while he was retarding the No. 2 engine throttle, and the power decay went uncorrected by the pilot and copilot. The lack of coordination and the lack of corrective action may have been caused by the lack of recent flightcrew experience in the L–1049 aircraft. Contributing to the accident was the aircraft's over maximum gross takeoff weight, the crew's use of less than full power for takeoff, and the use of less than takeoff cowl flaps which precluded adequate engine cooling.

Railroad Accident Reports No. NTSB–RAR–80–4: *Brief Format, Issue No. 2, 1979.*—This publication, released February 2, contains basic facts, conditions, circumstances, and probable cause(s) of selected railroad accidents occurring in U.S. railroad operations during calendar year 1979. Additional statistical information is tabulated by types of accidents and casualties related to types of accidents, carriers involved, and causal factors. Copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

Responses to Safety Recommendations

Aviation: *A–80–108 and A–80–109, from the Federal Aviation Administration, January 7, 1981.*—Response is to recommendations issued October 9 following investigation of the crash of Piper Arrow N3839M, departing Kalispell, Mont., January 10, 1980. The recommendations sought amendment to Air Traffic Control Handbook 7110.65B concerning the term "radar contact" and IFR clearance to insure terrain separation. (45 FR 70355, October 23, 1980)

FAA's response provides rationale for its nonconcurrence in these recommendations. FAA claims that the single aircraft accident cited by the Board does not warrant substantive changes to Handbook 7110.65B that would transfer responsiblities for terrain avoidance, outside controlled airspace, and at uncontrolled airports, from pilots to controllers.

FAA notes that the roles and responsibilities of the pilot and controller for effective participation in the ATC system are contained in several documents. Pilot responsibilities are identified in the Federal Aviation Regulations. Supplemental information for pilots can be found in the current AIM, Notices to Airmen, advisory circulars, IFR Exam-O-Grams, and aeronautical charts. Citing 14 CFR 91.3, the pilot-in-command of an aircraft is directly responsible for, and is the final authority as to, the safe operation of that aircraft, FAA states. FAA's response further states:

> The roles and responsibilities of controllers intentionally overlap those of the pilot in many areas, but not outside controlled airspace. Controllers assign IFR altitudes in IFR clearances that are at or above the minimum IFR altitudes *in controlled airspace* (see AIM, paragraph 401.b.2). A clearance issued by ATC is predicated on known traffic. An ATC clearance means an authorization by ATC, for the purpose of preventing collision between known aircraft, for an aircraft to proceed under specified rules *within* controlled airspace. It is *not* authorization for a pilot to deviate from any rule, regulation, or minimum altitude, or to conduct unsafe operation of his aircraft.

Further, FAA depends on instructor pilots to ensure that all pilots are thoroughly familiar with these basic requirements for IFR flight. FAA states that in the subject case, it is readily apparent that the pilot departed into the area of higher terrain without a positive means of avoiding that terrain until established on his ATC-cleared route of flight. FAA reports that appropriate elements within FAA have been made aware of the details of this accident. FAA's Rocky Mountain Region is reminding pilots that obstruction avoidance is a pilot responsibility, particularly when operating outside of controlled airspace where navigational guidance is not provided by ATC. An article addressing instrument departure procedures, and appearing in the newsletter of the Montana Aeronautics Commission, has been published to pilots of FAA's regional accident prevention specialist.

Marine: *M–80–53 and M–80–54, from the United States Coast Guard, January 29, 1981.*—Response is to recommendations issued September 12 as a result of investigation of the collision of the U.S. Tankship EXXON CHESTER and Liberian freighter M/V REGAL SWORD in the Atlantic Ocean near Cape Cod, Mass., June 18, 1979. (45 FR 63580, September 25, 1980)

With respect to M–80–53, Coast Guard reports publication, last November 6 in the **Federal Register**, of a proposed rule which will require applicants for radar observer endorsements to complete an approved course of training.

Coast Guard reports, with respect to M-80-54, that at the 25th session (January 5-9, 1981) of the Subcommittee on the Safety of Navigation the Subcommittee decided that the need existed for a common VHF navigational channel, preferably Channel 13, and that the Subcommittee will need to give detailed consideration at a future session to the purposes and procedures for use of such a channel when implemented. The Subcommittee also recognized that in order to implement a common VHF navigational channel it would be necessary to incorporate appropriate amendments to Appendix 18 of the Radio Regulations. The IMCO Secretariat was requested to convey the above opinions to the 23rd session (April 27-May 1, 1981) of the Subcommittee on Radiocommunications for appropriate action. The U.S. delegation will continue, under IMCO guidelines, to actively pursue the matter.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters and responses are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

February 6, 1981.

[FR Doc. 81-4950 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Power Systems; Meeting

The ACRS Subcommittee on Electrical Power Systems will hold a meeting at 8:30 a.m. on February 24-25, 1981 in Room 1046, 1717 H Street, NW., Washington, DC to discuss matters relating to computer protection and control systems and instrument and control system failures which could initiate or exacerbate reactor accidents. Due to the late identification of the need for the meeting and limitations on the schedules of the participants, it has not been possible to provide additional notice of this meeting.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday and Wednesday, February 24-25, 1981, 8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, representatives of the Canadian Government and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 10, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-5102 Filed 2-11-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

February 9, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201.

New

• Agricultural Cooperative Service
Marketing and transportation of grain by local cooperatives
Nonrecurring
Businesses or other institutions
Local cooperatives handling grain
SIC: 515
Small businesses or organizations; 1,157 responses, $80,000 Federal cost; 386 hours, 1 form
Charles A. Ellett, 202–395–7340

Provides information at local country elevator level or grain flow, volume handled, storage capacities, rail equipment, membership and selected operating practices to assist cooperatives in planning more efficient new elevators or additions to existing elevators.

• Agricultural Cooperative Service
New cooperative volume and structure
Other—see SF83
Farms
Mbrs & potential mbrs of new producer cooperatives
Sic: 011 013 016 017 018 019 021 024 025 027
Agricultural Research and Services; 560 responses; $37,500 Federal cost; 560 hours; 1 form
Charles A. Ellett, 202–395–7340

Provides information to the board of directors on such feasibility factors as volume projections and requirements, quality standards, facility and equipment needs, and cash flow data to assist new cooperatives in raising necessary stock subscriptions and obtaining financing.

• Food and Nutrition Service
Summer food service program for children on occasion, annually
State for local governments/businesses or other institutions
State agencies, sponsors, camps
Sic: 943 739
Small businesses or organizations
Public assistance and other income supplements; 98,536 responses; 9,096 hours; 1 form
Charles A. Ellett, 202–395–7340

The SFSP regulations implement the provisions of Pub. L. 96–499. The recordkeeping requirement of these regulations is mandated by section 13(M) of the National School Lunch Act.

Revisions

• Economics and Statistics Service
White corn survey
Semiannually
Farms
White corn grower
Sic: 011
Small businesses or organizations
Agricultural research and services; 3,580 responses; $45,000 Federal cost; 299 hours; 3 forms
Off. of Federal Statistical Policy and Standard, 202–673–7974

Provides data to Estimate white corn acreage and production in 10 States. estimate for list incompleteness comes from the June enumerative survey (40–R2766). Estimates are used by processors and farmers in pricing and marketing decisions.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—202–377–3627

New

• National Oceanic and Atmospheric Administration
Annual or quarterly scientific report
Quarterly
Businesses or other institutions
Foreign governments' fishery agencies
SIC: 951
Other advancement and regulation of Commerce; 40 responses; $5,000 Federal cost; 40,000 hours; 1 form
William T. Adams, 202–395–4814

Assist in fish stock assessments.

• National Oceanic and Atmospheric Administration
Certificate of exemption renewal
Other—see SF83
Individuals or households/businesses or other institutions
Retail stores, i.e., jewelry and handicrafts, throughout U.S.
SIC: 091
Small businesses or organization
Other advancement and regulation of Commerce; 58 responses; $536 Federal cost; 58 hours; 1 form
William T. Adams, 202–395–4814

The information collected is for the purpose of granting to certain identifiable members of the public a license, permit or other privilege to which they would not otherwise be entitled under the Endangered Species Act.

• National Oceanic and Atmospheric Administration
Subsequent purchaser reports
Quarterly
Individuals or households/businesses or other institutions
Retail stores, i.e, jewelry and handicrafts, throughout U.S.
SIC:
SIC: 091
Small businesses or organizations
Other advancement and regulation of Commerce; 600 responses; $1,430 Federal cost; 150 hours; 1 form
William T. Adams, 202–395–4814

The information collected is for the purpose of granting to certain identifiable members of the public a license, permit or other privilege to which they would not otherwise be entitled under the Endangered Species Act.

• National Oceanic and Atmospheric Administration
Registration of certain marine mammal parts
Quarterly
Individuals or households/businesses or other institutions

Individuals or households in coastal area
SIC: 091
Other advancement and regulation of Commerce: 6 responses; 3 hours; 1 form
William T. Adams, 202–395–4814

The information collected is for the purpose of granting to certain identifiable members of the public a license, permit or other privilege to which they would not otherwise be entitled under the Marine Mammals Protection Act.

• National Oceanic and Atmospheric Administration
Marine mammal fisheries interaction survey
On occasion
Individuals or households
Single owner, fishing boats
Small businesses or organizations
Other advancement and regulation of Commerce: 1,500 responses; $100,000 Federal cost; 750 hours; 1 form
William T. Adams, 202–395–4814

Under contract form NMFS to State of Washington, interviews are conducted to gather data concerning the possible impact of commercial fisheries on marine mammals and the impact of marine mammals on fishing gear, and damage to captured fish.

• International Trade Administration
Evaluation of U.S. firms' exporting behavior
ITA–40484P
Nonrecurring
Businesses or other institutions
Small and medium-sized manufacturers
SIC: 353 354 355 357 361 367 369 381 382 384
Small businesses or organizations
Other advancement and regulation of Commerce; 620 responses; $7,948 Federal cost; 51 hours; 1 form
William T. Adams, 202–395–4814

This study which will be undertaken by outside contractors will aid the office of export planning and evaluation (OEPE) in formulating export promotion programs. The analysis will be used in the design of more efficient and effective U.S. DOC export strategies to assist small and medium-sized firms.

• National Oceanic and Atmospheric Administration
Fishermen's contingency fund claim application and 5-day report form
On occasion
Businesses or other institutions
Respondents are primarily commercial shrimp fishermen
SIC: 091
Small businesses or organizations
Other advancement and regulation of Commerce; 1,350 responses; $90,000 Federal cost; 13,500 hours; 2 forms
William T. Adams, 202–395–4814

The application form is needed by commercial fishermen to file claims under title IV—fishermen's contingency fund—of the Outer Continental Shelf Lands Act Amendments of 1978. Fishermen have indicated that the lack of a form has limited some fishermen's access to the program.

• National Oceanic and Atmospheric Administration
Application for certificate of inclusion
Annually
Individuals or households/businesses or other institutions, commercial fishermen or fishing corporations
Sic: 091
Small businesses or organizations
Other advancement and regulation of commerce, 732 responses; 183 hours; 3 forms
William T. Adams, 202–395–4814

Provides information required to issue certificate of inclusions which allow marine mammals to be taken incidental to commercial fishing operations under general permits.

• National Oceanic and Atmospheric Administration
Scientific research/public display permit application
On occasion
Individuals or households/State or local governments/businesses or other institutions, persons or entities desiring to take or import marine mammals, etc.
Sic: 091
Small business or organizations
Other advancement and regulation of commerce, 75 responses; 2,200 hours; $600 Federal cost; 1 form
William T. Adams, 202–395–4814

Provides information for determining whether or not to issue scientific research and public display permits under the authority of the Marine Mammal Protection Act (Pub. L. 92–522), Endangered Species Act (Pub. L. 93–205), and Fur Seal Act (Pub. L. 89–702).

• National Oceanic and Atmospheric Administration
Permit/letter of agreement reports
On occasion/annually/biennially
Individuals or households/State or local governments/businesses or other institutions, zoos and aquariums, researchers
Sic: 091
Small businesses or organizations
Other advancement and regulation of commerce, 600 responses; 600 hours; 1 form
William T. Adams, 202–395–4814

Provides information on activities conducted under permit or letter of agreement, under the Marine Mammal Protection Act of 1972 (Pub. L. 92–522), Endangered Species Act of 1973 (Pub. L. 93–205), or Fur Seal Act of 1966 (Pub. L. 89–702).

• National Oceanic and Atmospheric Administration
Fisheries Development and utilization research and demonstration grants and cooperative agreement application
Annually
Businesses or other institutions
Domestic fishing industry
Sic: 091
Small businesses or organizations
Other advancement and regulation of commerce, 400 responses; 16,000 hours; $50,000 Federal cost; 1 form
William T. Adams, 202–395–4814

Information is required by National Marine Fisheries Service (NMFS) to determine funding awards to applicants in response to catalogue of Federal domestic assistance program 11–427. This grants program is part of the NMFS fisheries development program.

• National Oceanic and Atmospheric Administration
Stranding reports
On occasion
Individuals or households/State or local governments, scientists—local government officials
Sic: 091
Other advancement and regulation of commerce, 8,000 responses; 2,000 hours; 1 form
William T. Adams, 202–395–4814

To collect information on marine mammal/endangered species standings.

Revisions

• Bureau of the Census
Confectionery
MA–20D
Annually
Businesses or other institutions
Confectionery manufacturers
Sic: 206
Small businesses or organizations
Other advancement and regulation of commerce, 350 responses; 700 hours; $3,315,000 Federal cost; 1 form
Office of Federal Statistical Policy and Standard, 202–673–7974

This survey was begun in 1926 to provide data on confectionery sales to a number of Federal agencies. The Department of Agriculture uses the data in its dietary and nutritional studies and the Department of Commerce uses it to maeasure the impact of cacao bean imports in the balance of payments.

Extensions (Burden Change)

• Economic and Statistical Analysis
Transactions of U.S. reporter with unincorporated foreign banking affiliate

BE-578(B)
Quarterly
Businesses or other institutions
U.S. business enterprises which own 10% or more of a foreign business, etc.
Sic: All
Small businesses or organizations
Other advancement and regulation of commerce, 700 responses; 700 hours; $350,000 Federal cost; 1 form
Office of Federal Statistical Policy and Standard, 202-673-7974

Secures data on current and capital account transactions between U.S. persons and unincorporated foreign banks in which they have an equity interest of 10 percent or more. Consists of earnings; interest, and fees and royalties received; and outstanding permanent investment position. Authorized by the International Investment Survey Act of 1976 (Pub. L. 94-472), required for the preparation of the balance of payments accounts of the United States.

• Economic and Statistical Analysis
Transactions of U.S. reporter with unincorporated foreign affiliate, except a bank
BE-578
Quarterly
Businesses or other institutions
U.S. business enterprises which own 10% or more of a foreign business, etc.
Sic: All
Small businesses or organizations
Other advancement and regulation or commerce, 8,000 responses; 8,000 hours; $350,000 Federal cost; 1 form
Office of Federal Statistical Policy and Standard, 202-673-7974

Secures data on current and capital account transactions between U.S. persons and unincorporated non-bank foreign business enterprises in which they have an equity interest of 10 percent or more. Consists of data on earnings; interest, and fees and royalties received; and outstanding equity position. Authorized by the International Investment Survey Act of 1976 (Pub. L. 94-472). Required for the preparation of the balance of payments accounts.

• Economic and Statistical Analysis
Direct transactions of U.S. reporter with foreign affiliate incorporated abroad
BE-577
Quarterly
Businesses or other institutions
U.S. business enterprises which own 10% or more of a foreign business, etc.
Sic: All
Small businesses or organizations
Other advancement and regulation of commerce, 35,300 responses; 35,300 hours; $350,000 Federal cost; 1 form
Office of Federal Statistical Policy and Standard, 202-673-7974

Secures data on current and capital account transactions between U.S. persons and incorporated foreign business enterprises in which they have an equity interest of 10 percent or more. Consists of data on earnings; dividends, interest, and fees and royalties received; and outstanding debt and equity position. Authorized by the International Investment Survey Act of 1976 (Pub. L. 94-472). Required for the preparation of the balance of payments accounts of the U.S.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer, Joseph Strnad, 202-245-7488

New

• National Institutes of Health
Application form—ABC recognition process
On occasion
Businesses or other institutions
Blood centers
Sic: 809
Small businesses or organizations
Health, 100 responses; 1,000 hours; $13,000 Federal cost; 1 form
Gwendolyn Pla, 395-6880

The information is required to determine if the region meets the established ABC criteria. In addition, the data will support research on the optimal management of regional blood services, and, combined with performance measure will demonstrate improvement in blood service delivery.

• Health Care Financing Administration
Billing forms for hospice medicare/medicaid demonstration
HCFA-245, 246, and 1453DR
Monthly
Businesses or other institutions
Hospice organizations which provide medical and psycho-socio care, etc.
Sic: 808
Small businesses or organizations
Health care services, 32,760 responses; 8,970 hours; $93,419 Federal cost; 3 forms
Richard Eisinger, 202-395-6880

Need: To ensure proper payment for the medicare/medicaid hospice demonstration for services provided to the beneficiaries by the 26 hospice organizations selected to participate. Uses: The billing form will be used for services covered under this demonstration on the basis of reasonable cost subject to retrospective cost reimbursement.

• Health Care Financing Administration
Licensure forms for the Clinical Laboratory Improvement Act
HCFA-200 through 203, 206 through 209
Biennially
Businesses or other institutions
Clinical laboratories engaged in interstate commerce, subjected to CLIA 1967
Sic: 808
Small businesses or organizations
Health, 6,359 responses; 1,851 hours; $3,900 Federal cost; 8 forms
Richard Eisinger, 202-395-6880

Clinical laboratories soliciting or accepting specimans in interstate commerce are required by CLIA of 1967 to hold a valid license or letter of exemption from licensure issued by the Secretary of HHS. These forms, HCFA-200-203, 206-209 are mechanisms used to meet these requirements.

• Social Security Administration
Student field reviews questionnaire and school field contact qusetionnaire
SSA-4307 SSA-4308
Nonrecurring
Individuals or households/businesses or other institutions
Students receiving title II benefits and schools attended by select students benefits
Sic: 822
General retirement and disability insurance, 7,200 responses; 2,700 hours; $47,837 Federal cost; 2 forms
Barbara F. Young, 202-395-6880

The information is needed to assess current procedures and make corrective action recommendations in the area of benefit payments to students. The study will be used to elicit information from a sample of students receiving title II benefits.

DEPARTMENT OF LABOR

Agency Clearance Officer, Paul E. Larson, 202-523-6341

New

• Employment and Training Administration
Survey of CETA local management systems
MT-311
Nonrecurring
State or local governments
CETA prime sponsor staff
Sic: 944
Training and employment, 115 responses; 87 hours; $174,780 Federal cost; 1 form
Arnold Strasser, 202-395-6880

To identify, document, and assess the management systems and techniques of CETA prime sponsors' for the purpose of identifying exemplary and unique systems and techniques. The resulting information will assist CETA prime sponsors in the development and enhancement of their management systems.

Reinstatements

•Employment and Training Administration
Study to assess work test costs and outcomes of mandatory work regulation requirements
MT-307
On occasion
Individuals or households/State or local governments
ES, WIN, and UI local office staff
Training and employment, 20,646 responses; 973 hours; $102,708 Federal cost; 1 form
Arnold Strasser, 202-395-6880

The objectives of this study are to provide E.S. policymakers with the information to understand the level of resources utilized in the application of current work requirements and to predict the cost impact of variety of proposed measures to strengthen these requirements.

DEPARTMENT OF TRANSPORTATION

Agency Clerance Officer, John Winsor, 202-426-1887

New

• National Highway Traffic Safety Administration
49 CFR 557, petitions for hearings
On occasion
Individuals or households/businesses or other institutions motor vehicle or equipment owners
Sic: Multiple
Small businesses or organizations
Ground transportation 21 responses; 21 hours; $1,000 Federal cost; 1 form
Corrinne Hayward, 202-395-7340

This regulation establishes procedures for petitioning the agency for a hearing to determine whether a manufacturer has met its obligation to notify vehicle owners of a defect or noncompliance and whether remedy has been satisfactory.

Reinstatements

• Federal Aviation Administration
Malfunction or defects report (other than scheduled air carriers) FAR 135 and 145
FAA 8010-4
On occasion
Businesses or other institutions
Air taxi and comm. oper. of gen. avi. aircrf. and cert. oper. etc.
Sic: 458 762 769
Air transportation, 13,910 responses; 4,173 hours; $100,000 Federal cost; 2 forms
Corrinne Hayward, 202-395-7340

Federal Aviation Act of 1958 section 313 (49 U.S.C. 1354) authorizes issuance of regulations deemed necessary to carry out this act. 14 CFR 135 and 145 require reports of certain aircraft malfunctions or defects. Information collected is used to determine corrective actions.

• Federal Aviation Administration
Flight engineers and flight navigators—FAR 63
FAA 8400-3
On occasion
Individuals or households
Applicants for flight engineer or flight navigator, etc.
Air transportation, 48,944 responses; 74,534 hours; $106,250 Federal cost; 1 form
Corrinne Hayward, 202-395-7340

Federal Aviation Act of 1958, section 602 (49 U.S.C. 1422) authorizes issuance of airman certificates. 14 CFR 63 prescribes requirements for flight engineer and flight navigator certificates. Information collected is used to determine compliance and applicants eligibility.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer, Ms. Joy Tucker, 202-634-2179

Extensions (Burden Change)

• United States Customs Service
Crew's effects declaration
CF-1304
On occasion
Businesses or other institutions
Vessel carriers
Sic: 441
Small businesses or organizations
Federal law enforcement activities, 107,970 responses; 16,196 hours; $171,430 Federal cost; 1 form
Warren Topelius, 202-395-7340

The form was developed by the Intergovernmental Maritime Consultive Organization (IMCO) and replaces the numerous forms previously used by the countries that are signatories to the IMCO Treaty Convention. It allows the master of a vessel to deal with a single form to declare crew member's goods and thus avoid penalties to the master.

VETERANS ADMINISTRATION

Agency Clearance officer, R.C. Whitt, 202-389-2146

Reinstatements

• State cemetery grants program survey
FL 40-9976 (NR)
Annually
State or local governments
State Governors offices and 5 territories
Other veterans benefits and services, 55 responses; 14 hours; $2,000 Federal cost; 1 form
Robert Neal, 395-6880

The information obtained from the questionnaire is required on an annual basis in order to perform cost analysis of program activities and project financial resources required to conduct the grant program.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer, Mrs. Katie Cudmore, 202-653-5998

Reinstatements

• Form 4 application for loan and form 41 lender's application for guarantee or participation
SBA form 4 SBA form 4-I
Nonrecurring
Businesses or other institutions
Any mfgr. wholesalers, retailer or serv. bus. req. finan. etc.
Sic: Multiple
Small businsses or organizations
Other advancement and regulation of commerce, 35,000 responses; 111,930 hours; $12,609 Federal cost; 2 forms
Edward C. Springer, 202-395-4814

The Small Business Act requires a credit analysis before a loan is approved or guaranteed. These forms and the attachments provide the minimum data for a credit analysis of the lenders' terms and conditions.

C. L. Kincannon,

Assistant Administrator for Office of Information and Regulatory Affairs.

[FR Doc. 81-5017 Filed 2-11-81; 8:45 am]

BILLING CODE 3110-01-M

President's Commission for a National Agenda for the Eighties; Meeting

AGENCY: Office of Management and Budget.

ACTION: Notice of past meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given that the President's Commission for a National Agenda for the Eighties held an Urban Policy Briefing on February 4, 1981 from 10:00 a.m. to 5:00 p.m. in Washington, D.C. The meeting was held in the Rayburn House Office Building.

The purpose of the meeting was to discuss elements of the Urban America in the Eighties report.

Minutes of the meeting are available upon request.

FOR FURTHER INFORMATION CONTACT: Ms. Loretta Marshall, President's Commission for a National Agenda for the Eighties, Office of Administration, 744 Jackson Place, Northwest, Washington, D.C. 20006, (202) 275-0616.

Daniel F. Mann,

Budget and Management Officer.

February 5, 1981.

[FR Doc. 81-4949 Filed 2-11-81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21910; 70-6546]

The Connecticut Light and Power Co. and the Hartford Electric Light Co.; Proposal to Issue Notes to Banks Pursuant to Multibank Term Loan Agreements

February 6, 1981.

Notice is hereby given that The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, and The Hartford Electric Light Company ("HELCO"), Selden Street, Berlin Connecticut 06037, public utility subsidiaries of Northeast Utilities ("NU"), a registered holding company, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CL&P and HELCO propose to enter into a multibank term loan agreement under the terms of which CL&P may borrow up to $125 million and HELCO may borrow up to $50 million. The maximum to be borrowed by CL&P and HELCO will be $150 million in the aggregate.

CL&P and HELCO expect that it may be difficult for each of them to sell a large amount of mortgage bonds or preferred stock in the immediate future on favorable terms in light of market conditions and the earnings coverage requirements of their respective indentures and preferred stock provisions. Each company would like to defer a portion of its long-term financing requirements until after May 1986, the expected in-service date of the Millstone nuclear electric generating Unit No. 3 under construction in Waterford, Connecticut in which CL&P and HELCO currently have 34.5% and 18.2% ownership interests, respectively. In addition, applicants currently have high levels of short-term debt, primarily because of the construction costs of Millstone Unit No. 3, which they desire to reduce to the extent authorized by intermediate term loans.

It is expected that the term loans will be evidenced by term notes, which will each be dated the date of issue, will mature at the end of ten years, with amortization of the principal amount to be made in four equal installments of principal at the end of the seventh, eighth, ninth and tenth years, and will be secured by a mortgage on the applicants' interest in Millstone Unit No. 1, a nuclear generating unit which is owned by CL&P, HELCO and Western Massachusetts Electric Company (another wholly-owned subsidiary of NU) as tenants in common. The mortgage will be junior to the present lien of the indentures securing the applicants' first mortgage bonds. The term notes will bear interest payable quarterly. For the first four years, interest will be at the Prime Rate (defined below) or, at the applicants' election, at the London Interbank Offered Rate (LIBOR) plus ½ of 1% per annum; in the fifth and sixth years, interest will be at 102% of the Prime Rate, or, at the applicants' election, LIBOR plus ⅝ of 1% per annum; and in the seventh through tenth years, interest will be at 105% of the prime Rate, or, at the applicants' election, LIBOR plus ¾ of 1% per annum. For these purposes, the Prime Rate means the lead bank's prime rate or ½ of 1% per annum above the latest three-week moving average of secondary market morning offering rates in the United States for three-month certificates of deposit of major United States money market banks, as reported by the Federal Reserve Bank of New York. The notes are expected to be issued in the first quarter of 1981. The applicants will be obligated to pay commitment fees of ½ of 1% per annum on their pro rata share of the maximum $150 million subject to the term loan agreement if funds have not been disbursed by march 15, 1981. It is expected that the lenders will be a group of approximately nine banks.

The funds to be derived by the applicants from the issuance and sale of the term notes will be applied, together with other funds available, to the reduction of the applicants' respective outstanding short-term borrowings. At December 31, 1980, including borrowings under the Revolving Credit/Term Loan Agreement to which CL&P and HELCO are parties, CL&P's short-term borrowings amounted to $148,000,000 and HELCO's short-term borrowings amounted to $74,000,000. CL&P's estimated construction program expenditures (including allowance for funds used during construction (AFUDC) but excluding nuclear fuel expenditures) for 1981 and 1982 are estimated at $175,000,000 and $199,000,000, respectively. CL&P's estimated gross nuclear fuel expenditures (including fuel trust financing) for 1981 and 1982 are estimated to be $11,000,000 and $8,000,000, respectively. HELCO's estimated construction program expenditures (including AFUDC but excluding nuclear fuel expenditures) for 1981 and 1982 are estimated at $77,000,000 and $109,000,000, respectively. HELCO's estimated gross nuclear fuel expenditures (including fuel trust financing) for 1981 and 1982 are estimated to be $4,000,000 and $3,000,000, respectively.

A statement of the fees, commissions and expenses to be incurred by CL&P and HELCO in connection with the proposed transaction will be filed by amendment. The Connecticut Department of Public Utility Control has jurisdiction over the issuance of the term notes by CL&P and HELCO. It is stated that no other state or federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 2, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney at law by certificate) should be filed with the request. At any time after said date, the application-declaration as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advise as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4978 Filed 2-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21912; 70-6545]

Louisiana Power & Light Co.; Proposed Extension and Amendment of Lease and Credit Agreement

February 6, 1981.

Notice is hereby given that Louisiana Power and Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 9(a) and 10 as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Louisiana was authorized by an order of this Commission dated May 31, 1978 (HCAR No. 20564), to enter into a lease with Bayou Fuel Company ("Bayou"), dated June 1, 1978. Under the lease Louisiana leases from Bayou the nuclear fuel, including facilities incident to its use, to be used as fuel in Louisiana's Waterford No. 3 nuclear generating unit. Bayou makes payments to suppliers, processors and manufacturers, as well as to future nuclear fuel suppliers, necessary to carry out the terms of Louisiana's nuclear fuel contracts for Waterford No. 3. Louisiana can also make such payments and be reimbursed by Bayou. The current maximum obligation of Bayou to make payments for nuclear fuel is $59,000,000 at any one time outstanding. Bayou has financed these obligations under a Credit Agreement, dated as of June 1, 1978, between Bayou and Security Pacific National Bank ("Security").

Bayou is owned by Lehman Leasing, Inc. ("Lehman Leasing"), a New York corporation engaged with its other subsidiaries in a general leasing business. Lehman Leasing is an affiliate of Lehman Brothers Kuhn Loeb Incorporated, an investment banking firm. Neither Lehman Leasing, its subsidiaries, Bayou, Lehman brothers Kuhn Loeb Incorporated nor any persons affiliated with any of them are affiliated with Louisiana or any of its affiliated companies.

Louisiana has determined that the maximum commitment of Bayou under the lease is insufficient to provide for the total cost of nuclear fuel for Waterford No. 3. Bayou, however, has advised Louisiana that it is willing to amend the credit agreement to provide for an increase of the bank's commitment under said agreement from $60,000,000 to $105,000,000 and thereby increase Bayou's maximum obligation to make payments for nuclear fuel to $104,000,000 at any one time outstanding. As required by the lease, Louisiana would consent to the amendment to the credit agreement.

Under the Lease Louisiana is responsible for operating, maintaining, repairing, replacing, and insuring the nuclear fuel and for paying all taxes and costs arising out of the ownership, possession or use thereof. Currently, the term of the lease is through June 1, 2028. However, if either party gives written notice of termination by June 1, 1981, or any subsequent June 1, the lease will terminate on June 1 of the third following year.

Lease payments, which are payable quarterly, include (A) a quarterly lease charge, which represents an administrative charge of ⅛ of 1 percent per annum of the stipulated loss value, as defined in the lease, payable by Bayou to Lehman Leasing under an agreement and other allocated operational costs of Bayou and (B) a burn-up charge equal to the cost of the nuclear fuel consumed while the nuclear fuel is in the reactor and producing heat. When the nuclear fuel is not in the reactor and producing heat Louisiana may elect to capitalize quarterly lease charges, or daily portions thereof, so long as the amount of credit still available to Bayou under the credit agreement exceeds the sum of the stipulated loss value of the nuclear fuel, the amount of such charges and $1,000,000. Louisiana may consequently, subject to the foregoing limitation, defer rental payments until those times during commercial operation when nuclear fuel is in the reactor and producing heat in the production of electric energy.

Louisiana may terminate the lease at any time. Bayou may terminate the lease under certain circumstances, including, among others, if it becomes subject to certain adverse rules, regulations or declarations with respect to its status or the conduct of its business, if there is a nuclear incident of sufficient magnitude, and by notice of a desire not to renew the lease by June 1, 1981 or any subsequent June 1, followed by the lapse of the remaining three-year term. Upon the occurrence of any such event of termination, title to the nuclear fuel automatically transfers to Louisiana. Within 120 days, but not less than 90 days notice of termination, Louisiana will be unconditionally obligated to purchase the nuclear fuel fom Bayou at a price equal to the sum of the stipulated loss value of the nuclear fuel plus the termination rent, as defined in the lease, both computed as of the day of purchase. Upon consumation of such purchase, all obligations of Louisiana under the lease will terminate, except to the extent provided therein.

Bayou will receive termination rights upon the occurrence of certain events of default. Upon the occurrence of an event of default, Bayou may (a) treat the event of default as an event of termination with the results specified in the preceding paragraph and proceed at law or in equity for enforcement of the applicable provisions of the lease or for damages, or (b) it may terminate the lease. If Bayou terminates the lease as a result of the occurence of an event of default, Louisiana's interest in the nuclear fuel will trminate and Bayou may take possession of the nuclear fuel and sell it. In the event of such a termination, Bayou may recover from Louisiana damages and expenses resulting from the breach of the lease, all accrued and unpaid amounts owed to it by Louisiana, and liquidated damages.

Louisiana will charge the rent under the lease to fuel expense and will continue to account for the transaction as a lease rather than as a purchase.

Under the terms of the lease the amount of the quarterly lease payments by Louisiana are measured by, among other things, the amount of costs incurred by Bayou, in connection with its acquisition, ownership and processing of the nuclear fuel, under the credit agreement, as amended by the amended credit agreement.

Under the credit agreement, Bayou issues and sells its commercial paper, supported by an irrevocable letter of credit issued by Security. Bayou proposes to continue to use Lehman Commercial Paper, Inc. (LCPI) as dealer in connection with the sale of the commercial paper. Such sale is expected to be at the best available rate and will include a ⅛ of 1% per annum dealer discount.

Based upon a commercial paper rate for the highest rated commercial paper of 17.5% per annum, the effective interest cost to Bayou of its proposed borrowings would be 19.40% per annum, assuming all borrowings were made through the issuance of commercial paper and total borrowings were $91 million (the average outstanding borrowings expected from January 1981 through March 1983).

Marine Midland Bank, under a Depositary Agreement, dated as of June 1, 1978, acts as issuing agent for Bayou's commercial paper. Under the credit agreement, Bayou can also under certain circumstances make revolving credit borrowings to be evidenced by its promissory notes. The term of the credit

agreement will be through June 1, 2028; however, if any party gives written notice of termination by June 1, 1981, or any subsequent June 1, the credit agreement shall terminate on June 1 of the third following year.

Under the amended credit agreement, Bayou will pay the Bank a quarterly fee of eight-tenths of one percent (.80%) per annum (computed on the basis of 365 or 366-day year, as the case may be) on the average principal amount outstanding of Bayou's commercial paper (determined on a daily basis). Under the amended credit agreement, Bayou would pay the bank a commitment fee at a rate per annum (based on a 365 or 366-day year and actual days elapsed) of ¼ of 1% of the difference between Security's commitment of $105,000,000 and the total principal amount of outstanding commercial paper, except that no commitment fee is paid when the amount of outstanding commercial paper exceeds $78,750,000 (75% of the bank's commitment under the credit agreement).

Promissory notes issued to evidence revolving credit loans to Bayou would bear interest (computed on the basis of a 365 or 366-day year, as the case may be) on the unpaid principal amount thereof at an interest rate equal to 115% of the base rate (determined weekly). The base rate would be the greater of: (a) the bank's prime rate for 90-day commercial loans to substantial and responsible commercial borrowers, as such rate may change from time to time, or (b) the latest 4-week moving average interest rate payable on 90-day dealer-placed commercial paper as published weekly by the Federal Reserve Bank of New York.

Louisiana has been advised that (1) if all borrowings were made by means of revolving credit loans the interest on which were based on the bank's prime rate, such interest rate were 20% per annum and total borrowings were $91 million, the net effective interest cost to Bayou would be 23.12% per annum and (2) if all borrowings were made by means of revolving credit loans the interest on which were based on the latest 4-week moving average interest rate payable on 90-day dealer-placed commercial paper, such rate were 16.81% per annum and total borrowings were $91 million, the net effective interest cost to Bayou would be 19.46% per annum.

The aggregate amount of Bayou's promissory notes and commercial paper at any time outstanding will not exceed the commitment of Security under the credit agreement.

Under the present credit agreement, Security has granted participation in the loan arrangements evidenced by the credit agreement to other commercial banks. Security has also received an assignment of the rents and certain other obligations under the lease under an assignment agreement, dated June 1, 1978, as security for Security's letter of credit and its loans under the credit agreement. Security has also received a security interest in the nuclear fuel under a Security Agreement, dated as of June 1, 1978. Bayou has advised Louisiana that it proposes to enter into a commercial paper security agreement with Security, whereby Bayou will grant to Security, as representative of the holders of the commercial paper, a security interest in the nuclear fuel and in any and all funds and bank accounts of Bayou with respect to which Security may exercise any right of set-off as representative of the holders of the commercial paper, the bank will also receive an assignment of the rights assigned to it for its own benefit in the assignment agreement. Security will exercise (1) the security interest in the nuclear fuel and its interest in Bayou's rights under the lease, granted to the bank for the benefit of the holders of the commercial paper and (2) such interests granted to the bank for its own benefit, for the equal benefit of Security and the commercial paper holders. Louisiana will acknowledge notice, and agree to the terms, of the assignments.

It is stated that prior to the consummation of the proposed transactions full disclosure of the transactions must be made to the Louisiana Public Service Commission (LPSC) and receive prior official action of approval or non-opposition from LPSC. The Nuclear Regulatory Commission has licensing and regulatory jurisdiction over the ownership, possession, storage and handling of the nuclear fuel involved in the transaction. It is stated that not other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

A statement of the fees and expenses incurred in connection with the proposed transactions will be provided by amendment.

Notice is further given that any interested person may, not later than March 2, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4979 Filed 2-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21911; 170-6552]

Arkansas Power & Light Co. and Middle South Utilities, Inc.; Proposed Issuance and Sale of Common Stock by Electric Utility Subsidiary and Acquisition Thereof by Holding Company

February 6, 1981.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112 a registered holding company, and Arkansas Power & Light Company ("Arkansas"), Post Office Box 551, Little Rock, Arkansas 72203, an electric utility subsidiary of Middle South, have filed an application with this Commission pursuant to Sections 6(b), 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell to Middle South, and Middle South proposes to acquire from Arkansas, from time to time during the 1981 calendar year, at the price of $12.50 per share, or $15,000,000 in the aggregate, 1,200,000 presently authorized but unissued shares of the common stock of Arkansas $12.50 par value. Arkansas presently has outstanding 38,980,196

shares of common stock, $12.50 par value, all of which shares are owned by Middle South, with an aggregate par value on its books of $487,252,450. Arkansas and Middle South state that the sale of the new common stock will be timed to coincide with Arkansas' cash needs from time to time, which are primarily determined by the nature and pace of its construction program.

Upon the issuance and sale by Arkansas and the acquisition by Middle South of the new common stock, Arkansas proposes to credit its Common Stock Capital Account with the amount ($15,000,000) received by it for the new common stock, and Middle South proposes to debit its Investment Account with the amount ($15,000,000) of its cash investment. To the extent funds are required from external sources to acquire the new common stock, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes to banks.

[FR Doc. 81-4977 Filed 2-11-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11611; (811-1578)]

Trust Fund Sponsored by American College Foundation, Inc.; Proposal To Terminate Registration Pursuant to Section 8(f) of the Investment Company Act of 1940

February 6, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Trust Fund Sponsored by American College Foundation, Inc. ("Fund"), 33 Giraloa Avenue, Coral Gables, Florida 33134, registered under the Act as an open-end, non-diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized on April 25, 1966, under the laws of the State of Florida, and that on December 26, 1967, the Fund registered as an investment company under the Act. It did not file a registration statement under the Securities Act of 1933. Due to certain problems which developed in the management and administration of the Fund, the Department of Insurance of the State of Florida took action to have the Fund liquidated. A proceeding entitled *State of Florida, ex rel. The Department of Insurance* (Relator) v. *American College Foundation, Inc.* (Respondent), was filed in the Circuit Court, Second Judicial Circuit for Leon County, Florida, Civil Action No. 77-829. That Court issued an order on May 3, 1977, appointing the Florida Department of Insurance as Receiver of the Fund's property and affairs for the purpose of supervising the liquidation of the Fund. On January 28, 1980, the Court issued an Order of Final Distribution causing the Fund to be liquidated and its assets to be distributed to participating Fund members, after payment of all accrued liabilities of the Fund. Unclaimed distributions in the amount of approximately $25,000 were transferred to the State of Florida's Abandoned Property Account. The Division of Rehabilitation and Liquidation of the State of Florida, by letter dated August 15, 1980, advised the Commission that the Order of Final Distribution was implemented on January 28, 1980. On December 12, 1980, the Court issued an Order of Final Discharge and Approval of Final Accounting, effective December 31, 1980, and therefore it can be said that the Fund has ceased to exist. The Fund has no assets or liabilities currently outstanding.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 2, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request, or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-4977 Filed 2-11-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 135—Environmental Conditions and Test Procedures for Airborne Equipment; Cancellation of Meeting

This Notice announces the cancellation of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 135 meeting which was scheduled for February 12-13, 1981, and announced in the **Federal Register** on January 29, 1981, (46 FR 9837). The meeting will be rescheduled and a Notice of Meeting will be published in the near future.

Issued in Washington, D.C. on February 4, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-4916 Filed 2-11-81; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA), Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held on March 4-6, 1981 in RTCA Conference Room 267, 1717 H Street, NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Tenth Meeting Held on December 3-5, 1980; (3) Review Fifth Draft of Minimum Operational Performance Standards for Airborne MLS Equipment; (4) Review Initial Report on Future Committee Work; and (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on February 4, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-4917 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Chatham County, Georgia; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Chatham County, Georgia.

FOR FURTHER INFORMATION CONTACT: David H. Densmore, Development Engineer, Federal Highway Administration, Suite 700, 1422 West Peachtree Street, NE., Atlanta, Georgia 30309, telephone (404) 881–4758, or Peter Malphurs, State Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 696–4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal to replace the bridges over the Savannah, Middle and Back Rivers on U.S. 17 in Chatham County. The existing bridges include a two-lane swing span over the Savannah River and a two-lane atgrade structure over both the Middle and Back Rivers. The proposed work is necessary to eliminate the safety and structural deficiencies of the existing bridges.

Alternates under consideration include the replacement of all three bridges with varyng vertical clearances (55-foot, 135-foot and 160-foot) proposed for the bridge over the Savannah River (the Houlihan Bridge) and the no-build alternative. All bridges would be replaced by two-lane bridges.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Formal scoping meetings will be held during the months of February and March to receive input from interested State and Federal agencies. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action or the EIS should be directed to the FHWA at the address provided above.

The Catalog of Federal Domestic Assistance Program Number is 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on February 2, 1981.

David H. Densmore,

Development Engineer, Federal Highway Administration.

[FR Doc. 81-4063 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-22-M

Douglas County, Nebraska; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Douglas and Sarpy Counties in Nebraska.

FOR FURTHER INFORMATION CONTACT: Mr. Walter M. Running, Program Support Engineer, Federal Highway Administration, Federal Building, Room 487, 100 Centennial Mall North, Lincoln, Nebraska 68508, Telephone: (402) 471–5527, Mr. Louis E. Lamberty, Douglas County Surveyor-Engineer, 156th & West Maple Road, Omaha, Nebraska 68164, Telephone: (402) 444–6465. Mr. Gerald Grauer, Project Development Engineer, Nebraska Department of Roads, P.O. Box 94759, Lincoln, Nebraska 68509, Telephone: (402) 473–4795.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Nebraska Department of Roads, Douglas County and Sarpy County, Nebraska, will prepare an environmental impact statement (EIS) on a proposal to improve portions of Harrison Street, Giles Road and the construction of an interchage on I–80 in Douglas and Sarpy Counties. The proposed action would involve the reconstruction of Harrison Street between 144th Street and 84th Street, the construction of an interchange on I–80 at 126th Street, connection of the interchange to Giles Road and the improvement of Giles Road from 120th Street to 108th Street. These 14.2 miles of roadway improvements are considered necessary to provide for the existing and projected traffic demands along the routes of the improvements and to relieve the volume of traffic at the "L" Street—I–80 interchange in Omaha, Nebraska.

Alternatives under consideration include (1) no action; (2) construction of a two-lane urban street; and (3) construction of a four-lane divided urban street. The alternatives to be considered for the I–80 Interchange are (1) no action; (2) cloverleaf design; (3) directional interchange; and (4) a diamond interchange with a loop.

An Environmental Assessment was prepared and circulated to thirty-five Federal, State, and local agencies, and other interested parties. A public hearing was conducted on the proposed action.

Because controversy arose concerning the possible impact the proposed interchange might have on the Omaha urban area, an environmental impact statement will be prepared. No formal scoping meeting is planned.

To insure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, Douglas County or the Nebraska Department of Roads at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: February 3, 1981.

Walter M. Running,

Program Support Engineer, Nebraska Division, Lincoln, Nebraska.

[FR Doc. 81-4750 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-22-M

Orange County, California; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Orange County, California.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the california Department of Transportation (Caltrans) and the City of Newport Beach, will prepare an Environmental Impact Statement (EIS) for a proposal to improve traffic flow on a 3.6-mile segment of the Pacific Coast Highway (State Route 1) between MacArthur Boulevard (State Route 73) and Newport Boulevard (State Route 55) in the City of Newport Beach in Orange County, California. Presently, most of the roadway has insufficient capacity to accommodate existing traffic volumes at acceptable levels.

The proposed improvement would consist of widening a 1.8-mile segment from four to six lanes between MacArthur Boulevard and Bayside Drive. If necessary, additional travel lanes may be provided between Dover Drive and Newport Boulevard by eliminating street parking and modifying the median.

Alternatives under consideration include (1) taking no action; (2) full improvements to Pacific Coast Highway; (3) reduced improvements to Pacific Coast Highway; and (4) emphasis of transit and HOV (High Occupancy Vehicle) with no roadway alteration.

A formal scoping meeting has not been planned at this time, but will be scheduled if it becomes apparent that one is necessary. The City of Newport Beach and Caltrans will meet with Federal and State agencies for the purpose of responding to questions and receiving comments about the project. In addition, the City and Caltrans will coordinate public meetings with persons and businesses along the project route.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: February 3, 1981.

Raymond Okinaga,

Acting District Engineer, Sacramento, California.

[FR Doc. 81-4729 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-22-M

Williams and McKenzie County, North Dakota and Roosevelt and Richland County, Montana; Environmental Impact Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Williams and McKenzie County, North Dakota and Roosevelt & Richland County, Montana.

FOR FURTHER INFORMATION CONTACT: Marvin Espeland, Division Administrator, Federal Highway Administration, P.O. Box 1755, Bismarck, ND 58502. Telephone Number is (701) 255–4011 (FTS 783–4204).

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Dakota Highway Department and the Montana Department of Highways, will prepare an Environmental Impact Statement (EIS) on a highway improvement project in Montana and North Dakota. The proposed improvement would involve the construction of a structure across the Missouri River and the approaches to this structure. The purpose of the project is to replace an inadequate existing structure and its substandard approaches.

Five alternate structure locations are under consideration; four in North Dakota and one in Montana. Two alternate approach alignments are proposed for the Montana bridge location, also under consideration is an alternate to rehabilitate the existing structure and approaches. The "No Action Alternate" is also proposed.

Letters soliciting views and comments on the proposed project were sent to various federal, state and local agencies. The project has been discussed at local meetings in Williston, North Dakota and in Fairview, Montana. The Draft EIS will be available for public and agency review and comment. A public hearing will be held to discuss alternates and impacts of the proposed action. Public notice will be given for the time and place of the public hearing. No formal scoping meeting will be held.

Issued on: February 4, 1981.

Marvin Espeland,

Division Administrator, Bismarck, North Dakota.

[FR Doc. 81-4750 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Evaluation of Controls Standardization; Interim Contract Briefing; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on February 18, 1981, to present a progress report on a contracted research study entitled "Evaluation of Controls Standardization." The objectives of the study are to identify and evaluate alternative requirements for standardizing the location and operation of automobile controls. Improved control standardization could help reduce driver distraction, errors in control operation, delays in control activation, and inadvertent control operation.

The meeting will be held at the Campus Inn in Ann Arbor, Michigan (615 E. Huron), beginning at 1:00 p.m. and will be presented by the contractor (Minicars Inc. of Goleta, California). The agenda will consist of a brief overview of the study purpose, a description of the contractor's recommendations for alternative standardization requirements, and a discussion of the contractor's proposed plan for evaluating the alternative requirements. In addition, time will be allotted for audience questions and suggestions concerning the conduct of the study.

Additional information may be obtained from Mr. Michael Perel, Office of Driver and Pedestrian Research, Room 6240, Nassif Building, 400 Seventh Street Southwest, Washington, D.C. 20590, telephone: 202–755–8753.

Issued in Washington, D.C., on: February 5, 1981.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 81-4655 Filed 2-11-81; 8:45 am]

BILLING CODE 4910-59-M

Federal Motor Vehicle Safety Standards; Light Passenger Vehicles

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Denial of Petition for Rulemaking.

SUMMARY: This notice denies a petition for rulemaking filed by Mr. Peter Smay. Mr. Smay petitioned NHTSA to reclassify passenger cars weighing less than 1,400 pounds so as to reduce the number of Federal motor vehicle safety standards applicable to them. The petitioner requests this action because he believes that such lightweight passenger cars cannot be built to conform to presently applicable safety standards. As a result, these vehicles cannot be sold in the United States. NHTSA is denying Mr. Smay's petition because the technology is available to build a lightweight car that complies with all current regulations. In light of the increasing trend toward smaller cars, the agency believes that reducing the number of standards applicable to such vehicles would jeopardize occupant safety.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Cohen, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street SW, Washington, D.C. 20590 (Telephone: (202) 426–2264).

SUPPLEMENTARY INFORMATION: On October 23, 1979, Mr. Peter Smay petitioned NHTSA to reclassify lightweight passenger cars and subject them to fewer Federal motor vehicles safety standards than currently apply to passenger cars of all weights. Mr. Smay defines lightweight passenger cars as four-wheeled cars weighing less than 1,400 pounds and having an engine displacement less than 800 cc. At present, these vehicles are classified as passenger cars and are therefore subject to the safety standards for that class of vehicles.

Mr. Smay's petition is based on his belief that lightweight passenger cars cannot be built to comply with the passenger car safety standards. In support of his belief, he cites the example of several foreign-produced lightweight passenger cars that cannot be sold in this country because they do not comply with the Federal safety standards. Mr. Smay believes that these vehicles offer a safe, cheap, and fuel efficient alternative to motorcycles and heavier cars and that, therefore, their sale should be encouraged.

The petitioner urges that his purpose be accomplished either by expanding the motorcycle class to include the lightweight passenger cars or by establishing a separate, new class for those cars. Mr. Smay believes that the first alternative would be appropriate since the lightweight passenger cars are said to be comparable in weight and fuel economy to motorcycles. Indicating that it may be appropriate to subject lightweight passenger cars to more safety standards than are motorcycles, he stated that the second alternative also would be an acceptable way of achieving his purpose.

After careful consideration of all relevant factors, NHTSA has decided to deny Mr. Smay's petition. The technology is available to build relatively light passenger cars that achieve high fuel economy while also complying with the Federal safety standards. Further, research and tests have shown that substantial levels of safety protection can be designed into small cars. For example, Western Washington University has built an experimental vehicle (the Viking VI) that is lightweight (1,200 pounds) yet will protect its occupants in a 41 mph frontal barrier crash. Current Federal safety standards specify a test crash speed of 30 mph. Also, in several recent NHTSA crash tests, several current production cars weighing approximately 2,000 pounds satisfied the occupant protection requirements at 35 mph.

The agency also believes that it would be inappropriate to reclassify lightweight passenger cars in the face of the steady trend toward lighter more fuel efficient cars. Generally speaking, small cars are less safe than large ones. Especially as the manufacturers move in the coming years toward developing mini-compact, two-seat cars, the agency must ensure small car safety. As a general matter, cars of all sizes should comply with the same safety standards. Indeed, NHTSA believes that this is what consumers have come to expect.

Light passenger cars such as the Fiat 500 and the Honda 600 are sold and operated in European countries and Japan. The vehicle mix in these countries is very different from that in the United States. In the United States, there is a wider range of vehicle weights and a greater average weight. These differences may cause serious problems for lightweight vehicles that provide less protection than other cars (because they comply with fewer safety standards) and that are involved in accidents with larger vehicles. The occupants of such vehicles are likely to suffer injuries that are more severe than they would have suffered had the car provided the level of crash protection mandated by currently applicable regulations. As the domestic manufacturers move in the 1980's and 1990's toward developing mini-compact, two-seat cars of their own, they should be enouraged to do so in accordance with the full array of Federal safety standards. Thus, it is the agency's position that reclassification of light passenger vehicles as Mr. Smay suggests is inappropriate.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 2, 1981.

Carl Nash,

Acting Associate Administrator for Rulemaking.

[FR Doc. 81–4088 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP81–2; Notice 1]

Mercedes-Benz of North America, Inc.; Receipt of Petition for Determination of Inconsequentiality

Mercedes-Benz of North America Inc., of Montvale, N.J., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, Fire Selection and Rims for Passenger Cars, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision on other exercise of judgement concerning the merits of the petition.

Approximately 500 1981 model Mercedes-Benz 380 SL Coupes may carry tire inflation placards (required by Standard No. 110) with an incorrect seating capacity. The placards indicate that the rear seating capacity is two persons when the correct capacity is three, that the occupant capacity is four when actually it is five.

Mercedes-Benz argues that the incorrect seating capacity noncompliance is inconsequential because it is obvious to anyone comparing the tire placard with the actual rear seating accommodations that the placard must be in error. Since the label carries the correct vehicle capacity weight, tire sizes as well as the cold tire pressure front and rear, "there is no possibility of overloading or underinflating based on a fair reading of the label".

Interested persons are invited to submit written data, views, and arguments on the petition of Mercedes-Benz described above. Comments should refer to the docket number and be submitted to: Docket Section,

National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 11, 1981.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 3, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81–4650 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–59–M

Urban Mass Transportation Administration

Cable Suspended Transit System Project in New Orleans, Louisiana; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act (88 Stat. 852) and the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500–1508) the Urban Mass Transportation Administration gives notice that an environmental impact statement is being prepared for the proposed construction of a Cable Suspended Transit System project in New Orleans, Louisiana. Other alternatives, including a "no-build," are being considered.

The City of New Orleans is planning for the construction of a Cable Suspended Transit System (CSTS) for the World's Fair. This proposed system would be located in the Central Business District of the City. The opening of the system would coincide with the opening of the World's Fair in May, 1984. The CSTS would connect the riverfront area near the site for the new Louisiana Exhibition Hall, where many of the World's Fair activities will be held, with the Superdome and Armstrong Park. The route would be approximately 2 miles in length with at least 3 stations. The vehicles will run above street level on a track suspended by cables. Bus alternatives are being considered which would provide service to (1) the World's Fair and (2) downtown New Orleans after the fair.

The type of system the City wishes to build is based on a proven technology. A similar system has been in revenue operation in an urban environment. The vehicles would be conventional operator controlled type of medium capacity. A scoping meeting for the proposed project is scheduled for Thursday, February 26, 1981 at 9:00 a.m. The meeting will be held in the City Planning Commission Conference Room, ninth floor, City Hall, 1300 Perdido Street, New Orleans, Louisiana. The Urban Mass Transportation Administration invites the participation of agencies and individuals with expertise or interest to comment on the scope of this environmental impact statement.

Comments and questions regarding the proposed action and environmental impact statement should be referred to: Sue Kaminsky, Environmental Protection Specialist, Planning and Analysis Division, Office of Program Analysis, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone number (202) 472–7100.

Dated: February 4, 1981.

Franz K. Gimmler,

Associate Administrator for Transit Assistance.

[FR Doc. 81–4669 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–57–M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463); (5 U.S.C. App. I), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held February 19, 1981, at 1:00 p.m. until 3:00 p.m. in Room 10432 at the Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. The agenda for the meeting is as follows:

—Advisory Committee Program Review
—MBRC Program Supporters—Acknowledgement
—Bonding—Executive Summary
—Open Discussion

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Office of the Secretary 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 426–2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on February 3, 1981.

Roosevelt Greer,

(Acting) Executive Director, Minority Business Resource Center.

[FR Doc. 81–4761 Filed 2–11–81; 8:45 am]

BILLING CODE 4910–06–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 29
Thursday, February 12, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, February 9, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Citizens Bank and Trust Company of Maryland, Riverdale, Maryland, for consent to establish a branch at the intersection of Maryland Routes 3 and 424, Crofton, Maryland.

Application of Citizens Bank and Trust Company of Maryland, Riverdale, Maryland, for consent to merge under its charter and title with Century National Bank, Chevy Chase, Maryland, and for consent to establish the five offices of Century National Bank as branches of the resultant bank.

Request of The Bowery Savings Bank, New York (Manhattan), New York, for an exemption pursuant to section 348.4(b)(3) of the Corporation's rules and regulations entitled "Management Official Interlocks."

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,628-NR—United States National Bank, San Diego, California

Case No. 44,646-NR—United States National Bank, San Diego, California

Case No. 44,656-L—Franklin National Bank, New York, New York

Case No. 44,657-L—Franklin National Bank, New York, New York

Case No. 44,668-L—Franklin National Bank, New York, New York

Memorandum and Resolution re: First Augusta Bank & Trust Company, Augusta, Georgia

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: February 9, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-232-81 Filed 2-10-81; 11:27 am]

BILLING CODE 6714-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 11652, February 9, 1981).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 11, 1981—Changed to 10 a.m., February 12, 1981.

CHANGE IN MEETING: The following item has been added:

Item No. and Subject

P-3: Proposed Standard Order for Issuing Preliminary Permits Where There are Competing Applications.

[S-235-81 Filed 2-10-81; 2:24 pm]

BILLING CODE 6450-85-M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., February 13, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: Implementation of "Fifty-Mile Rule" at East and Gulf Coast Ports.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary.

[S-230-81 Filed 2-10-81; 9:41 am]

BILLING CODE 6730-01-M

4

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., February 19, 1981.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 6200-20: Modification of the U.S. Atlantic & Gulf/Australia-New Zealand Conference to extend its ratemaking authority to inland points.

2. Agreement No. 9925-2: Modification of the Pacific Australia Container Express (PACE) Line Joint Service and Agreement No. 9767-1: Modification of the Associated Container Transportation Joint Service to provide for intermodal authority.

3. Agreements Nos. 8760-9 and 9247-6: Modification of the West Coast United States & Canada/India, Pakistan, Ceylon & Burma Rate Agreement and the India, Pakistan, Ceylon, Burma/West Coast United States Rate Agreement, respectively, to provide procedures for consideration of proposals for independent rate action.

4. Section 15 Standards of Approvability.

5. Informal Dockets Nos. 716(I) & 717(I): Warner & Lambert Co. v. Flota Mercante Brancolombiana, S.A.—Further consideration of the record.

Portions closed to the public:

1. Docket No. 77-19: Agreement No. 10235—Consolidators Forwarders Intermodal Corp.—Consideration of request for oral argument and possible consideration of the record.

2. Docket No. 80-71: In Re: Royal Hawaiian Cruises, Inc.—Consideration of the record.

3. Royal Hawaiian Cruises, Inc.—Application for Certificate of Financial Responsibility (Performance) to operate passenger vessel.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-236-81 Filed 2-10-81; 3:52 pm]

BILLING CODE 6730-01-M

5

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, February 18, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20661.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda:

1. Proposed implementation of new weekly report of selected balance sheet data from large U.S. branches and agencies of foreign banks.

Discussion Agenda:

2. Proposed administrative procedures for clearing balances and charges for Federal Reserve services.

3. Request by the Commodity Futures Trading Commission for the Board's views on proposals relating to futures contracts on CDs.

4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the board's Freedom of Information Office, and copies may be order for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20661.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 462-3204.

James McAfee,

Assistant Secretary of the Board.

[S-237-81 Filed 2-10-81; 4:00 pm]

BILLING CODE 6210-01-M

6

[NM-81-5]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 10 a.m., Wednesday, February 11, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue S.W., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible.

Discussion re Field Study requested by Office of Management and Budget.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-462-6022.

February 10, 1981.

[S-233-81 Filed 2-10-81; 12:10 pm]

BILLING CODE 4910-58-M

7

RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9:30 a.m., February 19, 1981.

PLACE: Board's meeting room, eigth floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Board's proposed legislative program.

(2) General policies for financial interchange.

(3) Appeal from referee's denial of widow's annuity, Florence M. DeRose.

(4) Eligibility under the 60/30 amendment of 1974 of person previously awarded disability annuity, James E. West.

Portion closed to the public:

(A) Appeal from referee's denial of disability annuity, Gino W. Labriola.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board; COM No. 312-751-4920, FTS No. 387-4920.

[S-231-81 Filed 2-10-81; 10:05 am]

BILLING CODE 7905-01-M

8

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: 9 a.m., February 19, 1981.

PLACE: 955 L'Enfant Plaza North SW., room 2-500, fifth floor, Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS: Portions closed to the public (9 a.m.):

1. Consideration of internal personnel matters.

2. Litigation report.

3. Review of Conrail financial and proprietary information for Conrail planning.

Portions open to the public (10 a.m.):

4. Approval of minutes of January 29, 1981 Board of Directors meeting.

5. Consideration of Conrail drawdown request for March.

6. Consideration of Section 211(h) loan.

7. Discussion of comments on December Report on Conrail.

8. Report on Conrail monitoring.

9. Contract Actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow (202) 426-4250.

[S-234-81 Filed 2-10-81; 1:12 pm]

BILLING CODE 8240-01-M

federal register

Thursday
February 12, 1981

Part II

Environmental Protection Agency

National Emission Standards for Hazardous Air Pollutants; Alternative Test Method 107A (Vinyl Chloride)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL 1643-6]

National Emission Standards for Hazardous Air Pollutants; Alternative Test Method 107A (Vinyl Chloride)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed method would apply to the measurement of the vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin-slurry, wet resin, and latex samples. The proposed method was derived from a test method submitted to EPA by Union Carbide. The intent of this proposed method is to provide this alternative analytical procedure because it may be preferred over Method 107 in some circumstances.

A public hearing will be held to provide interested persons an opportunity for oral presentation of data views, or arguments concerning the proposed method.

DATES: *Comments.* Comments must be received on or before April 13, 1981.

Public Hearing. A public hearing will be held on March 26, 1981 (about 30 days after proposal) beginning at 9 a.m.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by March 19 (1 week before hearing).

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket A-80-37, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Public Hearing. The public hearing will be held at Emissions Measurement Laboratory Building, Page Road and Interstate 40, R.T.P. North Carolina 27711. Persons wishing to present oral testimony should notify Ms. Deanna Tilley, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5421.

Docket. Docket No. A-80-37, containing material relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger T. Shigehara (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION: On October 21, 1976 (41 FR 46560) and on June 7, 1977 (42 FR 29005) the Environmental Protection Agency promulgated Method 107—Determination of Vinyl Chloride Content of Inprocess Wastewater Samples and Vinyl Chloride Content of Polyvinyl Chloride Resin, Slurry, Wet Cake, and Latex Samples. Since that time, Union Carbide has submitted comparative supporting data to EPA on a test method that embodies a less sophisticated, but also technically satisfactory, analytical approach. Because practical considerations would favor its use in some instances, this alternative method is being considered for adoption as an EPA method. If adopted, this alternative test method would be available to determine compliance with the national emission standard for vinyl chloride, 40 CFR, Part 61 Subpart F.

(Secs. 112, 114, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7412, 7414, and 760.(a)))

Dated: February 4, 1981.

Walter C. Barber,

Acting Administrator.

It is proposed to amend 40 CFR Part 61 by adding Method 107A to Appendix B as follows:

Appendix B—Test Methods

* * * * *

Method 107A—Determination of Vinyl Chloride Content of Solvents, Resin-Solvent Solution, Polyvinyl Chloride Resin, Resin Slurry, Wet Resin, and Latex Samples[1]

Introduction

Performance of this method should not be attempted by persons unfamiliar with the operation of a gas chromatograph or by those who are unfamiliar with source sampling because knowledge beyond the scope of this presentation is required. Care must be exercised to prevent exposure of sampling personnel to vinyl chloride, a carcinogen.

1. *Applicability and Principle.*

1.1 Applicability. This is an alternative method and applies to the measurement of the vinyl chloride content of solvents, resin solvent solutions, PVC resin, wet cake slurries, latex, and fabricated resin samples. This method is not acceptable where methods from Section 304(h) of the Clean Water Act, 33 U.S.C. 1251 et seq. (the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977) are required.

1.2 Principle. The basis for this method lies in the direct injection of a liquid sample into a chromatograph and the subsequent evaporation of all volatile material into the carrier gas stream of the chromatograph, thus permitting analysis of all volatile material including vinyl chloride.

2. *Range and Sensitivity.*

The lower limit of detection of vinyl chloride in dry PVC resin is 0.2 ppm. For resin solutions, latexes, and wet resin, this limit rises inversely as the nonvolatile (resin) content decreases.

With proper calibration the upper limit may be extended as needed.

3. *Interferences.*

The chromatograph columns and the corresponding operating parameters herein described normally provide an adequate resolution of vinyl chloride. In cases where resolution interferences are encountered, the chromatograph operator shall select the column and operating parameters best suited to his particular analysis problem, subject to the approval of the Administrator. Approval is automatic, provided that the tester produces confirming data through an adequate supplemental analytical technique, such as analysis with a different column or GC/mass spectroscopy, and has the data available for review by the Administrator.

4. *Precision and Reproducibility.*

A standard sample of latex containing 181.8 ppm vinyl chloride analyzed 10 times by the alternative method showed a standard deviation of 7.5 percent and a mean error of 0.21 percent.

A sample of vinyl chloride copolymer resin solution was analyzed 10 times by the alternative method and showed a standard deviation of 6.6 percent at a level of 35 ppm.

5. *Safety.*

Do not release vinyl chloride to the laboratory atmosphere during preparation of standards. Venting or purging with vinyl chloride monomer (VCM) air mixtures must be held to minimum. When purging is required, the vapor must be routed to outside air. Vinyl chloride, even at low-ppm levels, must never be vented inside the laboratory.

6. *Apparatus.*

6.1 Sampling. The following equipment is required:

6.1.1 Glass Bottles. 16-oz wide mouth with polyethylene-lined, screw-on tops.

[1] Mention of trade names or specific products does not constitute endorsement by the U.S. Environmental Protection Agency.

6.1.2 Adhesive Tape. To prevent loosening of bottle tops.

6.2 Sample Recovery. The following equipment is required:

6.2.1 Glass Vials. 20-ml capacity with polycone screw caps.

6.2.2 Analytical Balance. Capable of weighing to ±0.01 gram.

6.2.3 Syringe. 50-microliter size, with removable needle.

6.2.4 Fritted Glass Sparger. Fine porosity.

6.2.5 Aluminum Weighing Dishes.

6.2.6 Sample Roller or Shaker. To help dissolve sample.

6.3 Analysis. The following equipment is required:

6.3.1 Gas Chromatograph. Hewlett Packard Model 5720A or equivalent.

6.3.2 Chromatograph Column. Stainless steel, 6.1 m by 3.2 mm, packed with 20 percent Tergitol E–35 on Chromosorb W AW 60/80 mesh. The analyst may use other columns provided that the precision and accuracy of the analysis of vinyl chloride standards are not impaired and that he has available for review information confirming that there is adequate resolution of the vinyl chloride peak. (Adequate resolution is defined as an area overlap of not more than 10 percent of the vinyl chloride peak by an interferent peak. Calculation of area overlap is explained in Appendix C, Supplement A: "Determination of Adequate Chromatographic Peak Resolution.")

6.3.3 Valco Instrument Six-Port Rotary Valve. For column back flush.

6.3.4 Septa. For chromatograph injection port.

6.3.5 Injection Port Liners. For chromatograph used.

6.3.6 Regulators. For required gas cylinders.

6.3.7 Soap Film Flow Meter. Hewlett Packard No. 0101–0113 or equivalent.

6.4 Calibration. The following equipment is required:

6.4.1 Analytical Balance. Capable of weighing to ±0.0001 g.

6.4.2 Erlenmeyer Flask With Glass Stopper. 125 ml.

6.4.3 Pipets. 0.1, 0.5, 1, 5, 10, and 50 ml.

6.4.4 Volumetric Flasks. 10 and 100 ml.

7. *Reagents.*

Use only reagents that are of chromatograph grade.

7.1 Analysis. The following items are required:

7.1.1 Hydrogen Gas. Zero grade.

7.1.2 Nitrogen Gas. Zero grade.

7.1.3 Air. Zero grade.

7.1.4 Tetrahydrofuran (THF). Reagent grade.

Analyze the THF by injecting 10 microliters into the prepared gas chromatograph. Compare the THF chromatogram with that shown in Figure 107A–1. If the chromatogram is comparable to A, the THF should be sparged with pure nitrogen for approximately 2 hours using the fritted glass sparger to attempt to remove the interfering peak. Reanalyze the sparged THF to determine whether the THF is acceptable for use. If the scan is comparable to B, the THF should be acceptable for use in the analysis.

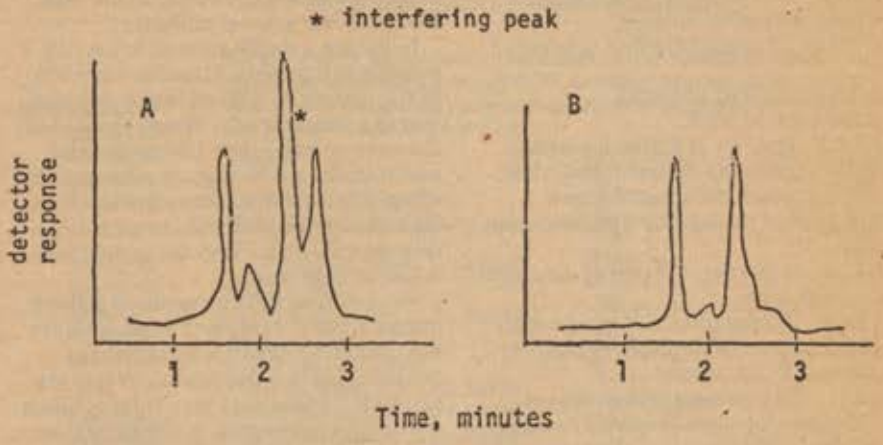


Figure 107A-1

7.1.5 N, N-Dimethylacetamide (DMAC). Spectrographic grade. For use in place in THF.

7.2 Calibration. The following item is required:

7.2.1 Vinyl Chloride 99.9 Percent. Ideal Gas Products lecture bottle, or equivalent. For preparation of standard solutions.

8. *Procedure.*

8.1 Sampling. Allow the liquid or dried resin to flow from a tap on the tank, silo, or pipeline until the tap has been purged. Fill a wide-mouth pint bottle, and immediately tightly cap the bottle. Place an identifying label on each bottle and record the date, time, sample location, and material.

8.2 Sample Treatment. Samples must be run within 24 hours.

8.2.1 Resin Samples. Weight 9.00 ± 0.01 g of THF or DMAC in a tared 20-ml vial. Add 1.00 ± 0.01 g or resin to the tared vial containing the THF or DMAC. Close the vial tightly with the screw cap, and shake or otherwise agitate the vial until complete solution of the resin is obtained. Shaking may require several minutes to several hours, depending on the nature of the resin.

8.2.2 Suspension Resin Slurry and Wet Resin Samples. Slurry must be filtered using a small Buchner funnel with vacuum to yield a wet resin sample. The filtering process must be continued only as long as a steady stream of water is exiting from the funnel. Excessive filtration time could result in some loss of VCM. The wet resin sample is weighed into a tared 20-ml vial with THF or DMAC as described earlier for resin samples (8.2.1) and treated the same as the resin sample. A sample of the wet resin is used to determine total solids as required for calculating the RVCM (Section 8.3.4).

8.2.3 Latex and Resin Solvent Solutions. Samples must be thoroughly mixed. Weigh 1.00 ± 0.01 g of the latex or resin-solvent solution into a 20-ml vial containing 9.00 ± 0.01 g of THF or DMAC as for the resin samples (8.2.1). Cap and shake until complete solution is obtained. Determine the total solids of the latex or resin solution sample (Section 8.3.4).

8.2.4 Solvents and Non-viscous Liquid Samples. No preparation of these samples is required. The neat samples are injected directly into the gas chromatograph.

8.3 Analysis.

8.3.1 Preparation of Gas Chromatograph. Install the chromatographic column, and condition overnight at 70°C. Do not connect the exit end of the column to the detector while conditioning.

8.3.1.1 Flow Rate Adjustments. Adjust the flow rates as follows:

a. Nitrogen Carrier Gas. Set regulator on cylinder to read 60 psig. Set column flow controller on the chromatograph using the soap film flow meter to yield a flow rate of 40 cc/min.

b. Burner Air Supply. Set regulator on the cylinder at 40 psig. Set regulator on the chromatograph to supply air to the burner to yield a flow rate of 250 to 300 cc/min using the flow meter.

c. Hydrogen. Set regulator on cylinder to read 60 psig. Set regulator on the chromatograph to supply 30 to 40 cc/min using the flow meter. Optimize hydrogen flow to yield the most sensitive detector response without extingushing the

flame. Check flow with flow meter and record this flow.

d. Nitrogen Back Flush Gas. Set regulator on the chromatograph using the soap film flow meter to yield a flow rate of 40 cc/min.

8.3.1.2 Temperature Adjustments. Set temperature as follows:

a. Oven (chromatographic column) at 70°C.

b. Injection Port at 100°C.

c. Detector at 300°C.

8.3.1.3 Ignition of Flame Ionization Detector. Ignite the detector according to the manufacturer's instructions. Allow system to stabilize approximately 1 hour.

8.3.1.4 Recorder. Set pen at zero and start chart drive.

8.3.1.5 Attenuation. Set attenuation to yield desired peak height depending on sample VCM content.

8.3.2. Chromatographic Analyses.

a. Sample Injection. Remove needle from 50-microliter syringe. Open sample vial and draw 50-microliters of THF or DMAC sample recovery solution into the syringe. Recap sample vial. Attach needle to the syringe and while holding the syringe vertically (needle uppermost), eject 40 microliters into an absorbent tissue. Wipe needle with tissue. Now inject 10 microliters into chromatograph system. Repeat the injection until two consecutive values for the height of the vinyl chloride peak do not vary more than 5 percent. Use the average value for these two peak heights to compute the sample concentration.

b. Back Flush. After 4 minutes has elapsed after sample injection, actuate the back flush valve to purge the first 4 feet of the chromatographic column of solvent and other high boilers.

c. Sample Data. Record on the chromatograph strip chart the data from the sample label.

d. Elution Time. Vinyl chloride elutes at 2.8 minutes. Acetaldehyde elutes at 3.7 minutes. Analysis is considered complete when chart pen becomes stable. After 5 minutes, reset back flush valve and inject next sample.

8.3.3 Chromatograph Servicing.

a. Septum. Replace after five sample injections.

b. Sample Port Liner. Replace the sample port liner with a clean spare after five sample injections.

c. Chromatograph Shut Down. If the chromatograph has been shut down overnight, rerun one or more samples from the preceding day to test stability and precision prior to starting on the current day's work.

8.3.4 Determination of Total Solids (T.S.). For wet resin, resin solution, and PVC latex samples, determine the T.S. for each sample by accurately weighing approximately 3 to 5 grams of sample into a tared aluminum pan. The initial procedure is as follows:

a. Where water is the major volatile component: Tare the weighing dish, and add 3 to 5 grams of sample to the dish. Weigh to the nearest milligram.

b. Where volatile solvent is the major volatile component: Transfer a portion of the sample to a 20-ml screw cap vial and cap immediately. Weigh the vial to the nearest milligram. Uncap the vial and transfer a 3- to 5-gram portion of the sample to a tared aluminum weighing dish. Recap the vial and reweigh to the nearest milligram. The vial weight loss is the sample weight.

To continue, now place the weighing pan in a 130°C oven for 1 hour. Remove the dish and allow to cool to room temperature in a desiccator. Weigh the pan to the nearest 0.1 mg. Total solids is the weight of material in the aluminum pan after heating divided by the net weight of sample added to the pan originally times 100.

9. *Calibration of the Chromatograph.*

9.1 Preparation of Standards. Prepare a 1 percent by weight (approximate) solution of vinyl chloride in THF or DMAC by bubbling vinyl chloride gas from a cylinder into a tared 125-ml glass-stoppered flask containing THF or DMAC. The weight of vinyl chloride to be added should be calculated prior to this operation, i.e., 1 percent of the weight of THF or DMAC contained in the tared flask. This must be carried out in a laboratory hood. Adjust the vinyl chloride flow from the cylinder so that the vinyl chloride dissolves essentially completely in the THF or DMAC and is not blown to the atmosphere. Take particular care not to volatize any of the solution. Stopper the flask and swirl the solution to effect complete mixing. Weigh the stoppered flask to nearest 0.1 mg to determine the exact amount of vinyl chloride added.

Pipet 10 ml of the approximately 1 percent solution into a 100-ml glass-stoppered volumetric flask, and add THF or DMAC to fill to the mark. Cap the flask and invert 10 to 20 times. This solution contains approximately 1,000 ppm by weight of vinyl chloride (note the exact concentration).

Pipet 50–, 10–, 5–, 1–, 0.5–, and 0.1-ml aliquots of the approximately 1,000 ppm solution into 100 ml glass stoppered volumetric flasks. Dilute to the mark with THF or DMAC, cap the flasks and invert each 10 to 20 times. These solutions contain approximately 500, 100, 50, 10, 5, and 1 ppm vinyl chloride. Note the exact concentration of each one. These standards are to be kept under refrigeration in stoppered bottles, and must be renewed every 3 months.

9.2 Preparation of Chromatograph Calibration Curve.

Obtain the gas chromatograph for each of the six final solutions prepared in Section 9.1 by using the procedure in Section 8.3.2. Prepare a chart plotting peak height obtained from the chromatogram of each solution versus the known concentration. Draw a straight line through the points derived by the least squares method.

10. *Calculations.*

10.1 Response Factor. From the calibration curve described in Section 9.2, select the value of C_c that corresponds to H_c for each sample. Compute the response factor, R_f, for each sample as follows:

$$R_f = \frac{C_c}{H_c} \qquad \text{Eq. 107A-1}$$

10.2 Residual vinyl chloride monomer concentration (C_{rvc}) or vinyl chloride monomer concentration in resin:

$$C_{rvc} = 10 H_s R_f \qquad \text{Eq. 107A-2}$$

Where:

H_s = Peak height of sample, mm.

R_f = Chromatograph response factor.

10.3 Samples containing volatile material, i.e., resin solutions, wet resin, and latexes:

$$C_{rvc} = \frac{H_s R_f (1{,}000)}{T.S.} \qquad \text{Eq. 107A-3}$$

10.4 Samples of solvents and inprocess waste water:

$$C_{vc} = \frac{H_s R_f}{0.888} \qquad \text{Eq. 107A-4}$$

Where:

0.888 = Specific gravity of THF.

11. *Bibliography.*

1. Communication from R.N. Wheeler, Jr.: Union Carbide Corporation. Part 61 National Emissions Standards for Hazardous Air Pollutants Appendix B, Method 107—Alternate Method, September 19, 1977.

[FR Doc. 81-4960 Filed 2-11-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing February 11, 1981]

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: March 13 and 27, April 10 and 24; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.



Advance Orders are now Being Accepted for Delivery in About 6 Weeks

Code of Federal Regulations

Revised as of October 1, 1980

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